

**LAND USE ORDINANCE**

**FOR**

**BRANTLEY COUNTY, GEORGIA**

ADOPTED SEPTEMBER 8, 2016

Prepared by the  
Brantley County Planning Commission, Brantley County Commissioners with Professional Assistance  
Provided by the  
Southern Georgia Regional Commission

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**SECTION 1.****ENACTMENT, SHORT TITLE, JURISDICTION, PURPOSE**

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

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

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

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

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

## SECTION 2.

### DEFINITIONS

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

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

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

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

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

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

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

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

**Administrator, Land Use.** The person, officer, or official authorized County Manager or there designee representative, whom the County Commission has designated as its agent for the administration of these regulations.

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

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

**Agriculture.** The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops, grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products, fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program. Retail selling of products raised on the premises shall be considered a normal accessory activity provided that space adequate for the parking of customer's vehicles shall be provided off the public right-of-way.

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

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

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

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

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

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

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

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

**Comprehensive Plan.** The 2016 Greater Brantley Comprehensive Plan, as duly adopted and subsequently amended by the respective member governments of Brantley County. This plan includes Future Land Use Plans and Short-Term Work Programs for each respective local government, including Brantley County.

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

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

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

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

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

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**Dwelling, Manufactured Housing Park.** An area, under single ownership and not subdivided into customary lots planned for individual ownership, containing three or more manufactured homes used as living facilities

having a defined space, or an area containing three or more spaces designed or intended for parking of manufactured homes to be used as living facilities for rent or lease.

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

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

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

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

**Farm.** A tract of land devoted to agricultural purposes.

**Farmer's Market.** A public market place, designed to serve area farmers, where provisions are sold at retail and wholesale.

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

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

**Good Moral Character.** A person is of good moral character if that person has not been convicted of a drug-related or alcohol-related felony or sex-related crime in the past five (5) years.

**Guest or Servant Quarters.** A detached, subordinate building, located within the rear yard, designed to provide living accommodations for either domestic help in the employment of the property owner, or for guest facilities. Guest or servant quarters shall not exceed seventy-five percent (75%) of the required minimum gross floor area per dwelling unit for the respective Land Use district in which they are allowed.

**Home Occupation/Home Based Business/Rural Home Occupation.** An occupation for gain or support customarily conducted on the premises by a person or family residing therein. These uses are governed by the requirements of Sections 9-1, 9-2 and 9-3. Home occupations/Home Based Business/Rural Home Occupations are permitted uses as a matter of right in certain districts pursuant to the schedules of use under Section 5-1.1 and are permitted in other districts only after special review and approval by the Board of County Commissioners as Special Exceptions (See Sections 9-1, 9-2 and 9-3).

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

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

**Junk Yard.** Use of property for outdoor storage, keeping, abandonment, sale, or resale of junk including scrap metal, rags, paper or other scrap materials, used lumber, salvaged house wrecking, and structural steel materials and equipment, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof. For the purposes of enforcement of this ordinance, **junkyard means anywhere three (3) or more vehicles not in running condition, no insurance, tag or the parts thereof, or household appliances are stored in the open or in open buildings. Buffers are required for all junkyards. (See Section 9-8)**

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

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

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

**Lot.** A lot of record, held in a single ownership by one person, or in common ownership by more than one, which has both usable lot area and lot dimensions equal to or greater than the lot width and lot area requirements established by this ordinance for the Land Use district in which such tract of land is located and for the use proposed for the tract of land. (See Sections 3-20 and 3-21)

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

**Lot of Record.** A lot which is part of a subdivision recorded in the office of the Clerk of the Superior Court of Brantley County, or a parcel described by metes and bounds, the description of which has been so recorded prior to 11-1-10 adoption of the Brantley County Subdivision Regulations.

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

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

**Minor.** Any person under eighteen (18) years of age.

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

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

**Non-Conforming.** A building, structure, or use of land existing at the time of the enactment of this ordinance which does not conform to the regulations of the district in which it is located.

**Nursery School.** An agency, organization, or individual providing daytime care of seven or more children, where a State license is required, not related by blood or marriage or not the legal wards or foster children of the attendant adult.

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

**Owner(s).** If a sole proprietorship, the proprietor, if a partnership, all partners (general and limited); if a corporation, all officers, directors and persons holding at least ten percent (10%) of the outstanding shares. Single-Owner shall include individual, corporation, Limited Liability Company or limited partnership.

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

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

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

**Prescriptive Easement.** Is an easement upon another's real property acquired by continued use without permission of the owner for a legally defined period. State Law, which varies by state, defines the time period required to acquire a prescriptive easement.

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

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



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

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

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

**Setback.** Front, Side and Rear. The shortest distance between the front yard line and the principal building or structure on a lot.

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

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

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

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

**Tourist Home (Bed and Breakfast).** A dwelling in which sleeping accommodations are provided or offered to transient visitors for compensation.

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

**Variance.** A variance is a relaxation of the dimensional and/or development standards of the Land Use ordinance that will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the intentional actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

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

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

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

### SECTION 3.

#### GENERAL PROVISIONS

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

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

**3-3 Every Use must be Upon a Lot.** No building or structure may be erected or use established unless upon a lot as defined by this ordinance except as provided in Section 3-20.

**3-4 Only One Principal Building Per Lot.** Except as herein provided (see Section 9-6), there shall be no more than one (1) principal building or structure upon any lot other than within MHP, B-R, C-H, L- I, HI and AG.

**3-5 Open Space Not to be Encroached Upon.** No open space shall be encroached upon or reduced in any manner except in conformity to the yard, setback, off-street parking space requirements, and such other regulations required by this ordinance for the district in which such building is located. Shrubbery, driveways, retaining walls, fences, curbs, and planted buffer strips shall be interpreted not to be encroachments of yards. (See Section 3-23)

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

**3-7 Reduction of Yards or Lot Area.** Except as provided in Section 3-20, no lot existing at the time of passage of this ordinance shall be reduced, divided, or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this ordinance for the district in which it is located unless said reduction or division is necessary to provide land that is needed and accepted for public use.

**3-8 Encroachment on Public Rights-of-Way.** No building, structure, nor any mandated buffer requirements, service area, or required off-street parking and loading facility, except driveways, shall be permitted to encroach on public rights-of-way.

**3-9 Location of Accessory Buildings or Uses.** Accessory buildings on residential lots, when located within a front or side yard, shall be located no closer to property lines than would be allowed for a principal

building. Within a rear yard, an accessory building on a residential lot shall be located at least five (5) feet from all rear property lines and eight (8) feet from all other property lines, except that in the case of corner lots, accessory buildings shall be set back from the property line of an abutting street right-of-way a distance equal to three-fourths (3/4) the front yard setback established for the Land Use district in which the accessory buildings are located. In the case of a through lot (see Section 3-11) accessory buildings shall conform to front yard setbacks on both streets. Accessory buildings or uses on non-residential lots shall comply with front, side, and rear yard requirements established for the Land Use district in which such buildings or uses are located.

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

**3-9.2 Swimming Pools:** Swimming pools accessory to residences or commercial uses shall be enclosed by steel mesh security fence or other substantial building material affording equal or better access control. **(As per the SBCCI Code)**

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

**3-10 Every Lot Shall Abut a Street.** No building shall be erected on a lot that does not abut an open public street (or an approved private street meeting current county development standards). Lots of record prior to the 11-1-10 adoption of the Brantley County Subdivision Regulations shall not be subject to this provision

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

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

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

**3-14 Land Use Regulations to Apply When Lot is Divided by District Boundary Line.** In the event that a district boundary line on the Land Use districts map divides a lot of record held in one (1) ownership on the date of passage of this ordinance, each part of the lot so divided shall be used in conformity with the regulations established by this ordinance for the district in which such parcel is located; except, however, that if the property owner of such a lot so desires, he may extend a use allowed on either portion of said lot fifty (50) feet beyond the district boundary line in accordance with setbacks and yard requirements of the district into which he is encroaching.

**3-15 Height Limitations of Walls and Fences.** Within any residential district, no wall or fence shall exceed eight (8) feet in height within or along a boundary of a rear or side yard. Within the front yard, all fences shall have a height limit of four (4) feet.

**3-16 Required Buffers in BR, CA, CH, HI, LI Districts.** In these districts, where a lot abuts any residential district, a six (6) foot wide buffer the entire length of the lot abutting the residential property shall be provided with screening as specified in Section 3-18. Off-street parking associated with such uses shall be governed by this same provision.

**3-17 Screening of Service Areas within One Hundred Fifty (150) Feet of Public Street.** Any service area, loading area, refuse, or storage area between a principal building and a public street being visible from said street and lying within one hundred fifty (150) feet of said street shall be screened from view from the public street as specified.

**3-18 Screening Required.** Wherever screening is required by this ordinance, a durable masonry wall, or fence and hedge of sufficient opacity to provide a visual blind, designed to be compatible with the character of adjoining properties, shall be provided and maintained by the owner and this successors and assigns. Such fences and walls shall be at least six (6) feet in height, but no greater than eight (8) feet in height, measured from the ground along the common lot line of the adjoining properties. Hedges or comparable natural plantings shall be of such variety that an average height of at least six (6) feet could be expected by normal growth within no later than three (3) years from the time of planting.

**3-19 Side and Rear Yards Not Required Next to Railroad.** Within any non-residential district, side yards and rear yards shall not be required adjacent to railroad rights-of-way.

**3-20 Substandard Lots of Record.** Any lot of record existing at the time of the adoption of this ordinance which has an area or a width which is less than that required by this ordinance may be used as a building site for a structure or use permitted in that zone; provided, however, that the same yard, setback, open space, and other dimensional requirements are met that would be required for a standard lot, except for those properties deemed unacceptable for development by the Brantley County Health Department.

**3-21 Permitted Modification of Setback Requirement.** When a building is proposed on a lot and when on either or both lots which adjoin such lot at the street right-of-way line there exists a principal building which does not conform to the setback requirements of this ordinance, the required setback for such building shall be as follows: (1) where only one said adjoining lot contains a principal building with a non-conforming setback the setback shall be the computed average of (a) the normal setback requirement with (b) the non-conforming setback, or (2) where both adjoining lots contain a principal building each with a non-conforming setback, the minimum setback shall be the computed average of the two non-conforming setbacks.

**3-22 Structures Permitted Above the Height Limit.** The height limits of these regulations shall not apply to a church spire, belfry, cupola, dome, or ornamental tower not intended for human occupancy, monument, water tower, observation tower, transmission tower, chimney, smoke stack, conveyor, flag pole, radio or television tower, mast or aerial, parapet wall not extending more than four (4) feet above the roofline of the building, and necessary mechanical appurtenances. (See Section 3-25)

**3-23 Permitted Encroachments of Yards and Setbacks.** Architectural features such as cornices, eaves, steps, gutters, and fire escapes may project not more than three (3) feet beyond any required setback line, except where such projections would obstruct driveways which are or may be used for access for service and/or emergency vehicles; provided, however, that in the case of automobile service stations, motels, and similar uses which serve the motoring public, canopies shall be allowed over a driveway or walkways within the front yard not to extend from the principal building to a point any closer than fifteen (15) feet from the street right-of-way line.

**3-24 Modification of Side yard Requirements.** When a lot of record has a width less than the frontage required in the district in which it is located, then the Land Use Administrator (County Manager) shall be authorized to reduce the side yard requirements for such lot; provided, however, that there shall not be less than a 5foot side yard.

**3-25 Variances to Height Requirements.** Chimneys, water, fire, radio and television towers, church spires, domes, cupolas, stage towers, and scenery lofts, cooling towers, elevator bulkheads, smokestacks, flag poles, parapet walls, silos, granaries, windmills, and similar structures and their necessary mechanical appurtenances may be erected above the height limits herein established after a proper variance has been obtained from the Board of Commissioners.

**3-26 Prohibited Uses in All Residential Districts.**

- A) It shall be a prohibited use in all residential districts and residential lots to park or store in the open, wrecked or junked vehicles, power driven construction equipment, used lumber, metal or rubbish, or any other miscellaneous scrap or salvageable material.
- B) Tractor-trailer combinations, (tractors or trailers) shall not be stored in residential Districts for more than 72 hours.
- C) Commercial Kennels.

**3-27 Mobile Homes.** No mobile homes, defined, as units constructed prior to June 15, 1976 shall be allowed within the unincorporated area of Brantley County. Only manufactured homes constructed to the Federal Manufactured Home Construction and Safety Standards governed by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, 42 U.S.C. 5401, et. Seq. Shall be permitted within unincorporated Brantley County.

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

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**SECTION 4.****LAND USE DISTRICTS**

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

- 4-1.1 A-G Agricultural Use:** The purpose of this district is to permit agricultural uses, to encourage the maintenance of the rural countryside, to preserve forests and other undeveloped lands away from areas of population growth, and to allow residents to retain their traditional ways of life. The preferred land use in the district is agricultural, either active in the form of crops, or passive in the form of forest management or pasturelands. The A-G district should be utilized as a land use designation where a more intensive use of the land is unlikely to occur in the near future. The requirements of the district are designed to encourage the maintenance of Brantley County's rural character until more intensive development is mandated by growth demands.
- 4-1.2 R-R Rural Residential:** The purpose of this district shall be to allow for residential development with minimum lot size of one acre in appropriate areas designated in the Comprehensive Plan in unincorporated Brantley County. With Health Department approval, such districts may use individual water supply and sewerage disposal systems. All small lot development will be encouraged to locate in the counties identified Residential and Developing Subdivisions Character Areas as identified in the 2016 Greater Brantley County Comprehensive Plan.
- 4-1.3 R-1 Single-Family Residential:** The purpose of this district is to provide single family residential areas with minimum lot sizes of one acre, said areas being protected from the depreciating effects of small lot development and excessive density and from the encroachment of these uses which are incompatible to a desirable residential environment. To be considered for this district all residential dwellings must be site built. With Health Department approval, such districts may use individual water supply and sewerage disposal systems.
- 4-1.4 R-22 Single Family Residential:** The purpose of this district is to provide for single-family residential areas with minimum lot size of 1/2 acre, said areas being protected from the effects of higher density development and the encroachment of those uses, which are incompatible to a low density residential development. To be considered for this district all residential dwellings must be site built. **Developments in this district must be served by either public water or public sewer or a community water or community sewage disposal system.**
- 4-1.5 DR-22-M Residential:** The purpose of this district is to create an area that, in addition to conventional one and two family dwellings, as a matter of right in a conventional subdivision. Lots in this district must have a minimum lot size of ½ acre for single-family homes and 30,000 square feet for duplex uses with **both** a public water and public sewer system.
- 4-1.6 M-R Multiple Residential.** The purpose of this district is to provide for the orderly development of higher density residential areas with a maximum density of 12 units per

acre. Any developments in this district shall be served by either a public water and sewer system or a community water and sewer system. To be considered for this Land Use district, property must directly abut a major thoroughfare roadway as designated on the Official Road Classification Map of Brantley County and must have a gross minimum lot size of (3) acres.

- 4-1.7 M-H-P Manufactured Housing Park:** The purpose of this district is to provide for the development of property that is appropriately located and planned for manufactured housing park use. Property developed in this district is to remain in single ownership, individual corporation or limited liability company or limited partnership for rental or leasing purposes only. To be considered for this Land Use classification, a site plan meeting the requirements of this ordinance must be submitted with any Land Use petition. Manufactured housing parks shall be developed only in strict accordance with the Manufacturing Housing Park provisions of this ordinance. In order to be considered for this Land Use classification, any property must directly abut a paved collector thoroughfare roadway as designated on the Official Road Classification Map of Brantley County and must have a **gross minimum lot size of three (3) acres.**
- 4-1.8 B-R Business Retail.** The purpose of this district is to provide for and protect areas that can accommodate a variety of sales and services that are commonly needed by the rural community and which will not create undesirable traffic congestion. In order to be considered for this Land Use classification, any property must directly abut a collector or thoroughfare roadway as designated on the Official Road Classification Map of Brantley County.
- 4-1.9 C-H Highway Commercial:** The purpose of this district is to provide for and encourage the proper grouping and development of high traffic oriented uses which include a wide variety of sales and services that will best accommodate the needs of the county and the traveling public in order to reduce highway congestion, traffic hazards or blight. To be considered for this district, property must be located on a major thoroughfare roadway as designated on the Official Road Classification Map of Brantley County.
- 4-1.10 L-I Light Industrial:** The purpose of this district shall be to provide and protect areas for those wholesale and light industrial uses, which do not create excessive noise, odor, smoke, dust, and which do not possess other objectionable characteristics, which might be detrimental to surrounding neighborhoods, or to the other uses permitted in the district. **Development must be 500 feet from all Residential Districts, and 200 feet from all Agricultural Districts.**
- 4-1.11 H-I Heavy Industrial:** The purpose of this district shall be to provide and protect areas for those industrial uses, which cannot comply with the regulations of the L- I District. **Development must be 500 feet from all Residential Districts, and 200 feet from all Agricultural Districts.**
- 4-1.12 C-A Adult Commercial:** The purpose of this district shall be to provide a reasonable location within the community for the development of adult-oriented businesses including adult entertainment establishments.

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

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

**4-3 Interpretation of Land Use District Boundaries:** When uncertainty exists with respect to the location of boundaries of any Land Use district as shown on the "Official Land Use Districts Map of Brantley County", the following rules shall apply:

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

**4-4 Planned Development District (PD) -** Planned Development Districts are intended to provide an alternative method of land development and redevelopment not available within the framework of standard Land Use districts. The standards and procedures of approving these districts are intended to promote flexibility of design and allow for planned diversification and integration of uses and structures while at the same time, retaining in the Commissioners the absolute authority to establish such conditions, limitations, and regulations as it deems necessary to maintain community aesthetics and to protect the public health, safety, and general welfare. In doing so, the Planned Development Districts are designed to achieve the following objectives:

- A)** Accomplish a more desirable development than would be possible through strict adherence of standard Land Use and subdivision regulations.



- B) Accommodate a mixture of uses and/or development patterns which are compatible both internally and externally through limitations on sign control, building orientations, buffering or other techniques which may be appropriate to a particular development proposal.
- C) Encourage flexible and creative concepts of site development planning which meet the changing needs, technologies, economic and consumer preferences.
- D) Preserve natural amenities of the land by encouraging scenic and functional open areas.
- E) Encourage an efficient use of land, where appropriate and beneficial to the County, resulting in smaller network of streets and utilities thereby lowering development and housing costs.
- F) Maintain consistency with the Goals, Policies, and Future Land Use elements of the Comprehensive Plan.

**4-4.1 Relation to other Regulations.** The Planned Development District shall be a Land Use district, and is permissible when approved according to a concept plan that ensures the above objectives can be met. Once development has commenced under a PD approval, development must continue under the terms and conditions of the approval until it is completed or until the PD approval has been properly amended.

Planned Developments shall meet the intent of all applicable development regulations of the County. These shall include but not limited to the Land Use Ordinance, Subdivision Regulations and adopted Building and Fire Codes. Where these are in conflict, the approved PD plans; terms and conditions shall take precedence. All proposed deviations from the County's development standards shall be itemized and depicted in the PD proposal. County construction standards regarding streets, parking and utilities shall be met in all PD proposals without deviation.

Planned Developments shall not be used as merely a means to avoid full compliance with standard development regulations for purpose of private gain.

**4-4.2 Eligibility Requirements.** Minimum acreages for Planned Development proposals shall be as follows:

- |    |   |                |
|----|---|----------------|
| A) | All residential developments:             | Five (5) acres |
| B) | Non-residential or mixed use development: | Ten (10) acres |

**4-4.3 Planned Development Review Process and Fees.** Planned Developments shall be reviewed and advertised in the same manner as any proposed Land Use Map amendment as described in Section 13 of the Land Use Ordinance. Pre- application meeting(s) with appropriate County staff shall be required to discuss the proposal before the application is submitted. **Base application fees shall be (\$300.00).**

**4-4.4 Development Plan Submittal Requirements.** Proposed development plans shall include but not limited to the following. Additional submittal requirements may be determined by County staff at the pre-application meeting or during the review process.

- A) Completed application forms.
- B) Letter of intent.
- C) Master concept plan if developed in phases. If deemed necessary, each phase shall be reviewed and approved separately.
- D) Drawn site plans with the appropriate numbers of copies provided for necessary staff review and public hearings. These plans shall include but not be limited to the following:
  - 1) Location Map
  - 2) Title, scale and North arrow.
  - 3) Existing and proposed site improvements.
  - 4) Detention/Retention areas.
  - 5) Landscape plan showing any vegetative buffers and open space. A minimum 14% of the gross property acreage shall be reserved as open space and /or outdoor recreation area.
  - 6) Boundary survey and/or legal description in metes and bounds.
  - 7) Proposed list of deviations from the County’s development standards.
  - 8) Written approval from the County Engineer stating that the proposal is in compliance with the County’s street, parking and utilities regulations.

Development approval shall be tied to all approved site plans made part of the public hearing.

**4.5 Planned Development Amendments.** Substantial amendments to an approved Planned Development District shall be reviewed and processed in the same manner as if it were a completely new development proposal.

The term substantial shall include but not limited to any of the following:

- A) Greater than 10% increase in number of dwelling units, or total impervious surface area.
- B) Reduction by greater than 10% of landscaped or open space areas, or building setbacks.
- C) Any change in the boundaries of the Planned Development District.

Non-substantial amendments to an approved Planned Development District shall be reviewed and approved jointly by the Land Use Administrator (County Manager) and the Building Inspector. At their discretion, such amendments may be presented to the Commissioners for their consideration.

**4.6 Enforcement and Penalties.** The terms and conditions of approval for Planned Development Districts shall be enforceable in the same manner as any other provision of this Land Use Ordinance. Violations shall be punishable as provided in this Ordinance for each separate offense.

## SECTION 5.

### SCHEDULE OF PERMITTED USES

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

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

5-1. Table of Permitted Uses

LAND USE	LAND USE DISTRICT											
	AG	RR	R1	R22	DR22M	MR	MHP	BR	CH	L- I	HI	CA
<b>RESIDENTIAL AND RELATED USES</b>												
<b>Accessory Buildings or Uses</b> not otherwise listed in this table, normally incidental to one or more permitted principal uses.	X	X	X	X	X	X	X	X	X	X	X	X
<b>Animals</b> , non-commercial (domestic) no more than, (4) dogs, or (4) cats or (4) chickens, NO ROOSTERS as an accessory use to residential land uses, provided that in R-1, R-22, DR-22-M, M-R zones: a) all buildings used to house the animals shall be set back not less than 25 feet from any property line. b) all animals shall be maintained within the owner’s property lines.		X	X	X	X	X	X					
<b>Animals</b> , kennel, non-commercial,(10) as an accessory use to residential land uses provided that: (Domestic Animals) a) Minimum lot size of one acre b) All buildings used to house the animals shall be setback 30 feet from any property line.	SE											
<b>Boarding or Rooming House</b>						SE		X	X			
<b>Chicken Houses (Commercial)</b> . All chicken house facilities shall be restricted to the A-G Land Use district and be located at least 1,000 feet from any residential dwelling or residential Land Use district, excluding any dwelling belonging to the owner of the poultry operation, as well as any commercial or industrial use. Setbacks for buildings shall be at least 100 feet from a public road or adjoining property line. Parcel upon which a poultry facility is to be sited shall be at least ten (10) acres in size.	SE											
<b>Church or other Place of Worship</b> , including Sunday School buildings, parish houses, convents, nursery school, kindergartens and other related uses on the same premises and operated by the church provided that in any <b>residential district</b> : a) parking access shall be separated from adjoining private properties by a distance of at least fifteen (15) feet with a planted buffer; b) the lot size shall be no less than three (3) acres; c) any building or structure established with any such use shall have minimum side and rear yards of fifty (50) feet.	X	X	X	X	X	X		X	X			
<b>Dwellings- Residential Group Development Projects (Planned Development)</b>	SE	SE	SE	SE	SE	SE		SE	SE			

LAND USE	LAND USE DISTRICT											
	AG	RR	R1	R22	DR22M	MR	MHP	BR	CH	L- I	HI	CA
<b>Dwelling, Single Family</b>	X	X	X	X	X	X						
<b>Dwelling, Two Family (Duplex)</b>					X	X						
<b>Family Day Care Home</b> in single-family detached dwellings.	X	X	X	X	X	X	X					
<b>Family Personal Care Home (2-6)</b>	SE								X			
<b>Farm Operations</b> , including related structures	X	X										
<b>Garage Apartment</b> , provided no more than one shall be permitted on a lot with the principal dwelling, and provided such shall be permitted only within the rear yard. The lot on which such use is to be established must be 50% greater in lot area than the minimum standard lot size for that district.	X	X	X									
<b>Group Personal Care Home</b> , provided that: a) Minimum lot size of one (1) acre in all zones; b) Parking is restricted to rear and side yard and shall be screened.	SE								X			
<b>Guest Quarters or Servant Quarters</b> , provided no more than one shall be permitted on a lot with the principal building and provided such shall be permitted only within the rear yard. The lot on which such use is to be established must be fifty percent (50%) greater in lot area than the minimum standard lot size for the respective district.	X	X	X									
<b>Home Occupation</b> (See Section 9)	X	X	X	X	X	X	X					
<b>Home Based Business</b> -(See Section 9)	SE	SE	SE	SE								
<b>Rural Home Occupation</b>	SE											
<b>Manufactured Home</b> , individually sited, provided that: a) The manufactured home shall meet the same minimum square footage, setback and yard requirements as any other single family dwelling, and b) must be installed and anchored as per Georgia State minimum requirements, properly underpinned or skirted within 30 days with material comparable to the proposed manufactured home.	X	X					X					
<b>Manufactured Housing Park</b> , provided that a) Access to manufactured housing parks shall be by paved street and directly abut a connector roadway as designated on the Major Thoroughfare Plan, Brantley County, Georgia, and, b) the manufactured housing park meets the requirements of Section 9 of this ordinance							X					



LAND USE	LAND USE DISTRICT											
	AG	RR	R1	R22	DR22M	MR	MHP	BR	CH	L- I	HI	CA
<p><b>Adult Entertainment Establishments</b>, provided that,</p> <p>a) No adult entertainment establishment shall advertise its location by signs more than six inches in height placed on the front of the building, which shall state the name of the business and hours of operation only.</p> <p>b) No adult entertainment establishment shall advertise its location with flashing or other kinds of lights, signs, banners, or other devices, intended to attract the attention of the general public to its location.</p> <p>c) Adult bookstores shall maintain all windows in a clear unobstructed manner so as to provide an open and unobstructed view through the interior of the bookstore.</p> <p>d) Adult movie houses shall maintain all windows in a clear and unobstructed manner, so that the entire reception area, lobby, ticket sales area of the theater is open and unobstructed to view by the public from all adjoining public thoroughfares and rights-of-way.</p> <p>e) Adult service establishments (bath houses, movie house, etc.) shall maintain all windows in a clear and unobstructed manner, so that the entire reception area, lobby, ticket sales area of the service establishment is open and unobstructed to view by the public from all adjoining public rights-of-way.</p>												SE
<p><b>Amusement or Recreational Activities (Commercial)</b>, carried on outside a building such as a golf or baseball driving range, miniature golf course, softball field, marinas, hunting, fishing and shooting preserves and/or ranges, clubs, gardens, riding stables or archery ranges and uses of a similar nature.</p>	SE								SE			
<p><b>Amusement or Recreational Activities (Commercial)</b>, carried on outside a building, which produces noise and/or noxious fumes, such as drag racing strips, racetracks, motorcycle races or ATV (all-terrain vehicle) courses, and uses of a similar nature.</p>	SE								SE			
<p><b>Amusement or Recreational Activities (Commercial)</b>, carried on wholly within a building, such a cinema, theater, Auditorium, and uses of a similar nature.</p>								X	X			
<p><b>Animal Hospital, Commercial Kennels, Veterinary Clinic or Animal Boarding Place</b>, located at least 300 feet from the nearest residential district.</p>	SE							X	X			
<p><b>Art Studio</b></p>								X	X			
<p><b>Automobile Service Station</b>, provided that major auto repair shall not be permitted, nor shall there be outside storage of materials or equipment other than merchandise offered for sale in a B-R or C-H district.</p>								X	X	X		

LAND USE	LAND USE DISTRICT											
	AG	RR	R1	R22	DR22M	MR	MHP	BR	CH	L- I	HI	CA
<b>Automobile, Truck, Farm Equipment, or Motorcycle Sales, Repair, or Upholstery, Auto Washerteria, Paint Shops, or Tire Recapping.</b> (including rebuilding of parts or sales of parts and equipment indoors only, no outside storage of equipment or parts except for L- I and H-I districts).								X	X	X		
<b>Automobile Parking Lot or Parking Garage (Commercial)</b>									X	X		
<b>Bait and Tackle Store;</b>	SE							X	X			
<b>Banks, Financial Institutions, and Offices</b> not specifically listed elsewhere in this column.								X	X			
<b>Bookbinding, Printing, Engraving, Blueprinting, Photostatting, or Letter Shop</b>								X	X	X		
<b>Building Contractor and Related Activities and Storage of Building Supplies and Materials,</b> provided that outside storage is permitted in a C-H district by SE under the following conditions: a) Minimum front yard setbacks from storage areas shall be 80 feet or equal to the principal building setback, whichever is greater; b) Opaque screening of a nature not injurious to adjoining properties shall be erected on all sides to screen outside storage to a minimum height of eight (8) feet. Such screening shall be of a quality and design comparable to the principal building.	SE								SE	X	X	
<b>Business Schools (Private)</b>	SE							SE	SE			
<b>College and Universities</b> including dormitories and fraternity or sorority houses if located on main campus;								X	X			
<b>Clothing and Dry Goods Stores,</b> including shoe stores, men's shops, women's shops, variety stores and stores of a similar nature.								X	X			
<b>Clubs or Lodges (Nonprofit)</b>	SE							SE	X			
<b>Conference Centers and Retreat Centers</b>	SE							X	X			
<b>Contractors Establishments</b>	SE							X	X	X		
<b>Country Clubs, including golf courses and clubhouses including restaurants and golf prop shops as accessory uses - residential lot size controlled by development district standards.</b>	SE	SE	SE									
<b>Cultural Facilities,</b> libraries, museums, and similar facilities.	SE	SE						X	X			
<b>Dance School or Studio</b>	SE							X	X			
<b>Day Care Centers (commercial)</b> serving no more than seventeen (17) persons.	SE							X	X			



LAND USE	LAND USE DISTRICT											
	AG	RR	R1	R22	DR22M	MR	MHP	BR	CH	L- I	HI	CA
<b>Day Care Centers (commercial)</b> serving eighteen (18) or more persons.	SE								X			
<b>Department Stores</b>								X	X			
<b>Drive-In Restaurants</b>								X	X			
<b>Drive-In Theater</b>									X			
<b>Drug Stores</b>								X	X			
<b>Electrical Repair</b> and similar repair of a heavy commercial nature.									X	X		
<b>Electrical Appliance Repair</b> , wholly contained within a building.	SE							X	X			
<b>Experimental Laboratory</b>									X	X	X	
<b>Freight Express Office</b>								X	X	X		
<b>Farmers Market and Seasonal Produce Sales</b>	X							X	X			
<b>Farm Supplies</b> , including feed, seed, and insecticides, and fertilizer retail sales.	SE							X	X			
<b>Finance, Insurance, and Real Estate Establishments</b>								X	X			
<b>Flower Shop</b>								X	X			
<b>Food Stores</b> , including retail bakeries, meat markets, dairy products, confectioner shops, and stores of a similar nature.								X	X			
<b>Funeral Home</b>								X	X			
<b>Furniture Upholstery Shop</b>								X	X	X		
<b>Glass Sales and Storage</b> - Wholly contained within a building.								X	X	X		
<b>Golf Course - Lighted</b>	SE								X			
<b>Golf Course</b> , provided that: a) It shall be for daytime use only; and b) all greens and fairways shall be set back at least one hundred (100) feet from any exterior property lines; and c) structures shall meet minimum setback requirements for single-family residences within the respective district.	SE	SE	SE						X			
<b>Growing of Crops</b>	X											
<b>Health Spas</b>								X	X			

LAND USE	LAND USE DISTRICT											
	AG	RR	R1	R22	DR22M	MR	MHP	BR	CH	L- I	HI	CA
<b>Home Furnishings and Hardware</b> , such as appliance sales, hardware stores, paint stores, sporting goods stores, furniture stores, and stores of a similar nature.								X	X			
<b>Hospitals, Nursing Homes, Care Homes and Congregate Personal Care Homes</b> , provided that: a) The lot size shall be no less than three (3) acres within any district where allowed; and, b) any building or structure established with any such use shall have minimum side and rear yard of fifty (50) feet; and, c) the front yard setback shall be twenty-five (25) feet more than required for other structures within the same district; and, d) the lot upon which any hospital is built shall front on an arterial or collector street as specified on the Major Thoroughfare Plan	SE	SE						X	X			
<b>Hotels</b>								SE	X			
<b>Laboratory Service Professional Requirements - Medical, Dental</b>								X	X			
<b>Laundromat</b>								X	X			
<b>Locksmith, Gunsmith- Repairs and sales only.</b>								X	X			
<b>Medical, Dental, or Similar Clinic</b>								X	X			
<b>Motels</b>								SE	X			
<b>Music Teaching Studio</b>								X	X			
<b>Neighborhood Dry-cleaning Plants, Laundry Pick-up Stations:</b> a) The dry-cleaning plant and its operation shall meet the requirements of the National Fire Protection Association (NFPA) and the Underwriters Laboratories, Inc.; and, b) the dry-cleaning plant shall serve not more than one pick-up and delivery station exclusive of one occupying the same premises as the plant; and, e) the building for a dry-cleaning plant shall not contain more than 4,000 square feet of floor area inclusive of dry-cleaning pick-up facilities within the building; and, f) the dry-cleaning plant shall be designed to operate in a manner that								X	X			

LAND USE	LAND USE DISTRICT											
	AG	RR	R1	R22	DR22M	MR	MHP	BR	CH	L- I	HI	CA
will not emit smoke, or odor, or objectionable waste materials and which will not produce noise that will carry beyond the walls of the building occupied by such plant; and, e) fuel for operation of equipment shall be smokeless fuel; and, f) the applicant for the dry-cleaning plant shall certify in writing at the time of application that all the above conditions will be met.												
<b>Newspaper or Periodical Production, Sales and Distribution</b>								X	X	X		
<b>Night Club or Lounge</b> , provided lot must front arterial street.									X			
<b>Office Equipment Sales and Service</b>								X	X			
<b>Pawn Shops</b> and small personal loan offices other than commercial banks.								X	X			
<b>Personal Service Shops</b> , such as barbershops, beauty shops, shoe repair, watch repair, and services of a similar nature.	SE	SE						X	X			
<b>Pest Control</b> , providing no outside storage other than within an L- I or H-I district.									X	X	X	
<b>Photography Studio</b>	SE	SE						X	X			
<b>Radio and Television Towers, and Utility Substations</b> provided all buildings, mast, and other facilities are located at least two hundred (200) feet from adjacent property lines on any lot which adjoins any residential district	SE								X	X	X	
<b>Radio and Television Studios</b>	SE							X	X	X		
<b>Research, Scientific, and Testing Laboratories</b>	SE							X	X	X		
<b>Restaurants, including drive-ins or drive-through facilities.</b>	SE							X	X			
<b>Railroad or Bus Passenger Station</b>									X	X		
<b>Railroad Freight Station</b>											X	
<b>Retail Auto Parts and Tire Stores</b>								X	X			
<b>Residential Mobile Home Sales Room and Sales Lot</b>									X	X		
<b>Security Worker Housing</b>	X		X	X					X	X	X	
<b>Shell Home Display Yards</b>									X	X	X	
<b>Shrubbery Sales</b> (wholly contained within the building.)	X							X	X			
<b>Specialty Shops</b> , such as gift shops, jewelry stores, jewelry repair, antique shops, and stores of a similar nature.								X	X			



LAND USE	LAND USE DISTRICT											
	AG	RR	R1	R22	DR22M	MR	MHP	BR	CH	L- I	HI	CA
<b>Feed, Grain, or Fertilizer Wholesaling and Storage</b>	SE										X	
<b>Freezer Locker Service, Ice Storage</b>											X	
<b>Greenhouse and Plant Nursery (Commercial)</b>	SE								X	X	X	
<b>Heavy Manufacturing</b>											X	
<b>Heavy Manufacturing.</b> The like which produce noise, odor, dust, fumes, fire hazards or other nuisance features shall be setback not less than five hundred (500) feet from any H-I district boundary.											SE	
<b>Junk Yard or Auto Graveyard,</b> provided that: a) Minimum lot size of five (5) acres is required; and b) front yard setback increased fifty (50) feet over requirements for other uses in L- I and H-I zones; and c) must be set back five hundred (500) feet from any district boundary d) the entire junkyard or auto graveyard shall be screened as required in Section 3-18.	SE									SE	SE	
<b>Solid Waste, inert</b>	SE									SE	SE	
<b>Solid Waste, sanitary, waste energy</b>											SE	
<b>Light Manufacturing:</b> (see section 4-1.10)										X		
<b>Lumber Yard, or Other Storage Not Specifically Listed in this column</b> such yards if within an L- I district shall be enclosed by screening per Section 3-18.										X	X	
<b>Petroleum Storage</b> (Wholesale storage and wholesale distribution)										X		
<b>Railroad Classification and Repair Yard</b>										X		
<b>Sale of Livestock</b> (Commercial Sales and/or Auction Facility)	SE								X	X		
<b>Stock Yards and Slaughter Houses</b>	SE								SE			
<b>Truck Terminal</b>									X	X		
<b>Warehousing</b> (not related to sales on the premises)									X	X		
<b>Warehousing (Mini Storage Facility)</b> Storage for personal property	SE								X	X		
<b>Wholesaling of a Light Commercial</b> Nature when operated in conjunction with or as part of a retail outlet.									X	X	X	
<b>Wholesaling</b> (not covered in other parts of this list)									X	X	X	
<b>Wood Products Manufacturing</b>									SE	X		



**SECTION 6.**

**DEVELOPMENT STANDARDS**

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

DEVELOPMENT STANDARD	LAND USE DISTRICTS											
	AG	RR	R1	R22	DR22M	MR	MHP	BR	CH	L- I	HI	CA
Minimum Gross Floor Area Per Dwelling Unit (Sq. Ft.)	N/A	N/A	1,200	1,200	800/dup & m/f 1,000 s/f	800	N/A	N/A	N/A	N/A	N/A	N/A
Minimum Lot Area (For Development) (Sq. Ft.)	5 Acres	1 Acre	1 Acre	½ Acre	20,000 s/f 30,000 Dup	3 Acre ****	3 Acre	10,000	10,000	10,000	10,000	1 Ac.
Minimum Lot Width (Feet)	150	150	150	100	100	200	200	60	60	60	60	150
Minimum Front Yard Setback (Feet from County line Right-of-way/ or prescriptive easement)												
- Arterial Roadways	25**	25**	25**	25**	25**	25**	25**	25**	25**	25**	25**	100**
- Collector Roadways	25**	25**	25**	25**	25**	25**	25**	25**	25**	25**	25**	n/a
- Residential Streets	25**	25**	25**	25**	25**	25**	25**	25**	25**	n/a	n/a	n/a
Minimum Side Yard Setback (Feet)	20	10	10	10	20	None ***	20	None ***	None ***	None ***	None ***	40
Minimum Rear Yard Setback (Feet)	10	10	10	10	10	10** 10**	10	10**	10**	10**	10**	40
Maximum Density (units/acre)						12						
Maximum Building Height (Feet)	35	35	35	35	35	35*	35*	none*	none*	35*		35*

\* The minimum distance from other property lines to any building over 35 feet in height shall be increased one foot for every two feet (or part of 2 feet) of building height greater than 35 feet. For B-R and C-H Land Use districts: If lot is adjacent to a residential district, the yard requirements shall be increased by 10 feet and screening shall be provided as specified in Section 3-18 along the common lot line.

\*\* Plus 1/2 any amount which the right-of-way width exceeds 60 feet for residential streets, 80 feet for collector streets, and 100 feet for Major and Secondary Streets.

\*\*\* Does not apply to structures over water bodies. \*\*\*\* Maximum unit density of 12 units per acre.

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## SECTION 7.

### OFF-STREET PARKING AND SERVICE REQUIREMENTS

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

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

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

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

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

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

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

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



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

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

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

Such loading and unloading space, unless otherwise adequately provided for, shall be an area ten (10) feet by fifty (50) feet, with fifteen (15) foot height clearance.

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

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

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

- A) Residential Curb Cuts: A-G, R-R, R-1, Land Use areas (excluding manufactured housing park development):
  - 1) No more than two combined entrances and exits shall be allowed on any parcel of property, the front of which is less than 200 feet on any one street. Additional entrances or exits for parcels having a frontage in excess of 200 feet shall be permitted at the rate of one entrance/exit for each additional 100 feet.
  - 2) At street intersections (corner lots), no curb cuts shall be located within 25 feet of the intersection of two curb lines or such lines extended; or within 14 feet of the intersection of two property lines (right-of-way lines) or such lines extended, whichever is more restrictive. On principal or minor arterials or collector streets, no driveway shall be within 70 feet of the intersection of two curb lines or curb lines extended.
  - 3) The distance between any two curb cuts on the same side of the street shall be not less than 10 feet. Said distance shall be measured between the point of tangency of the curb return radii and the established curb.
  - 4) All driveways shall be constructed so as to have at least five feet from any front property line (excluding right-of-way), except that a curb return may become tangent to a curb line at a point where such property line extends with the curb line.
  - 5) The maximum width of any driveway shall not exceed 24 feet measured at the right-of-way line.
  - 6) The sum of the two curb return radii for any curb cut shall not exceed 14 feet.
  - 7) When development on sites where existing curb cuts are abandoned and access is no longer afforded due to parking lots, buildings or other permitted structures, the

driveway shall be removed, the sidewalk (if existing) shall be replaced, the curb and gutter shall be replaced, fill dirt backfilled to its natural state.

**7-12 Commercial, Industrial, and Manufactured Housing Park Curb Cuts:**

- A)** No more than two combined entrances or exits shall be allowed any parcel or frontage, which is less than 300 feet on any one street. On parcels less than 150 feet, only one entrance shall be allowed provided it is a two-way driveway (two one-way driveways shall be allowed in lieu of the one two-way). Additional entrances or exits for parcels of property having a frontage in excess of 300 feet shall be permitted at the rate of one entrance-exit for each additional 150 feet.
- B)** No driveway shall be located closer than 150 feet of an existing driveway on an abutting lot. Existing lots of record less than 150 feet frontage shall be allowed one combined entrance/exit not to exceed 24 feet at right-of-way line.
- C)** At street intersections (corner lots), no curb cuts shall be located within 70 feet of the intersection of two curb lines or within 60 feet of the intersection of two property lines (right-of-way lines) where such lines extended, whichever is more restrictive.
- D)** All driveways shall be constructed so as to be at least 12.5 feet from any property line except that a curb return may become tangent to a curb line at a point where the property line extended intersects such curb line.
- E)** Maximum width of any driveway shall not exceed 35 feet measured at the right of-way line; minimum two-way shall be 24 feet at right-of-way line with a maximum of 12.5-foot radius. No two driveways on the same property shall be closer than 25 feet.
- F)** The maximum width of any curb cut in BR, C-A, L- I and H-I zones shall not exceed 35 feet at the right-of-way line.
- G)** The sum of the two curb return radii for any one curb cut shall not be less than 25 feet, nor greater than 40 feet.
- H)** When development on sites where existing curb cuts are abandoned and access is no longer afforded due to parking lots, buildings, or other permitted structures, the driveway shall be removed, the sidewalk (if existing) shall be replaced, the curb and gutter shall be replaced, fill dirt backfilled to its natural state; where it is a piped driveway to a dirt or paved street, said pipe shall be removed, asphalt removed and the shoulders and ditch regraded to its natural pre-existing state.

**SECTION 8.****NON-CONFORMANCES**

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

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

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

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

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

- A) An existing non-conforming use of a structure may be changed to another non-conforming use that is similar in its operation and effect on surrounding properties or may be changed to a conforming use.
- B) An existing non-conforming use of a structure shall not be changed to another non-conforming use that generates more automobile or truck traffic, creates more noise, vibration, smoke, dust or fumes, is a more intensive use of structures than the existing non-conforming use, and is in any way a greater nuisance to the adjoining properties than the existing non-conforming use.

- C) A non-conforming use of a structure shall not be extended or enlarged except into portions of the structure, which at the time the use became non-conforming were already erected and arranged or designed for such non-conforming use. No structural alterations shall be made in any structure occupied by a non-conforming use, which would in any way increase the floor space, area, or volume of space occupied by the use.
- D) When any non-conforming use of a structure is discontinued for a period in excess of 6 months, any future use of the structure shall be limited to those uses permitted in that district under the provisions of this ordinance. Vacancy and/or non-use of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

**8-4 Reconstruction of Non-conforming Structures.** When a non-conforming structure or a structure containing a non-conforming use or non-conforming sign is razed or damaged by fire, flood, wind, or act of God, such structure or sign may be reconstructed as a non-conforming use only if the damage totals less than seventy-five percent (75%) of the value of the structure. Structures, which do not conform to the yard requirements of this ordinance, shall also be governed by this provision.

**8-5 Non-Conforming Junk Yards.** All non-conforming junkyards shall be made to conform to the special provisions of this Land Use Ordinance within a period of two (2) years of the adoption of the Land Use ordinance. Screening of junk yards is intended to shield the use from public view and from the view of surrounding properties, to reduce noise emitting from the premises, and to protect surrounding property values. An eight (8) foot wide buffer strip shall be planted, or existing vegetation may be used, in combination with a solid fence, which shall be constructed, of wood, concrete or chain link with wooden or metal slats, dense enough to interrupt vision and noise to a height of eight (8) feet. The required vegetative screen shall be planted such that it will reach its required height in a period of three years, and the fence and vegetative buffer shall be erected along all road frontages, side lot lines, and rear yards. All fences must be secured with locks approved by the Building Inspector.

**8-6 Changes in Land Use.** Any non-conformances created by a change in district boundaries or ordinance regulations after the date of passage of this ordinance shall also be governed by the provisions of this section.

**SECTION 9.**

**SPECIAL PROVISIONS FOR CERTAIN USES**

**9-1 Agricultural Worker Housing.** Agricultural worker housing is allowed as an accessory use in the A-G (Agricultural) Land Use district subject to the following provisions:

- A) Head of household shall be a full time or seasonal employee of the property owner.
- B) Water supply and sewage disposal for said housing shall be approved by the Brantley County Health Department.
- C) Such accessory uses shall be subject to the principal building front, rear and side yard setback requirements of the A-G (Agricultural Use) Land Use district.
- D) All such structures or buildings developed for agricultural worker housing shall be limited to a maximum height of 35 feet and shall have a minimum of 30 feet of open, unoccupied space between it and any other building or structure in the development.

**9-2 Home Occupations.** A home occupation as defined by this ordinance shall be governed by the following requirements:

- A) Only residents of the dwelling may be engaged in the home occupation.
- B) The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.
- C) Only one (1) point of business sign, not exceeding two (2) square feet in size, motionless, non-lighted, and attached to the principal building shall be permitted.
- D) Use of the building for this purpose shall not exceed twenty-five percent (25%) of the conditioned air space of the dwelling.
- E) No internal or external alterations inconsistent with the residential use of the dwelling shall be permitted.
- F) The occupation shall not constitute a nuisance in the neighborhood.
- G) No accessory buildings or outside storage shall be used in connection with the home occupation
- H) Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the customary home occupation.
- I) The following and similar uses shall be considered home occupations provided that all additional requirements of this section are met: dressmaking, addressing service, answering service, architect, computer consulting, desktop publishing, drafting, manufacturing agent, pet sitting (off-site), web design and other professions and/or services, which are essentially office or clerical in nature as approved by the Land Use Administrator (County Manager).

**9-3 Home Based Business.** A home-based business, as defined by this Ordinance, shall be governed by the following requirements:

- A) At least one resident and not more than one non-resident of the dwelling may be engaged in the home-based business. The resident must be the owner of the home-based business.
- B) The home-based business shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.
- C) No display of products shall be visible from the street and only products produced on the premises may be sold on the premises.
- D) Only one (1) point of business sign, not exceeding two square feet in size, motionless, non-lighted, and attached to the principal building, shall be permitted.
- E) Use of the dwelling for this purpose shall not exceed twenty-five (25) percent of the conditioned air space of the dwelling.
- F) No internal or external alterations inconsistent with the residential use of the dwelling shall be permitted.
- G) The home-based business shall not constitute a nuisance in the neighborhood.
- H) Any accessory buildings used in connection with the home-based business shall not exceed 50 per cent of the gross square footage main dwelling.
- I) Instruction in music and other tutorial services shall be limited to two (2) students at a time.
- J) Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the home based business.
- K) No more than two (2) non-transient guests may be boarded at any one time as a home based business.
- L) The following and similar uses may be considered for approval as home based businesses provided that all additional requirements of this section are met: accountant, addressing service, answering service, architect, art instructor, barber or beauty shop (with no more than one (1) chair), drafting, insurance agent, manufacturing agent, music teacher, notary public, photography, real estate agent, tax consultant, and other home based businesses as approved following Planning Commission review and County Commission approval.
- M) Not more than six (6) children may be kept in the home as a customary home occupation. Safe, proper and efficient loading and unloading spaces must be supplied and at least 100 square feet of outdoor play area is required for each child accommodated. The entire outdoor play area shall be enclosed by a steel mesh security fence with lockable gates approved by the Building Inspector or other substantial building material affording equal or better protection, having a minimum height of at least four (4) feet and constructed in such a manner that maximum safety to the children is ensured.

**9-4 Rural Home Occupations.** This provision is designed to provide for the reasonable development of rural home occupations as an accessory use to rural residential uses. Uses of property for the Rural Home Occupation (RHO) shall be governed by the following requirements:



- A) Property for which an RHO is proposed shall be owner occupied and shall contain a minimum of five acres of land in the A-G Land Use district and shall directly abut an arterial or collector roadway as defined on the Major Thoroughfare Plan.
- B) Any accessory structure used in conjunction with an RHO shall be located behind the residential structure and meet the side and rear building setback lines of the A-G Land Use district and all building code separation requirements shall apply. The accessory structure shall contain no more than seventy-five (75) percent of the gross square footage of the principal residential dwelling.
- C) Any Rural Home Occupation shall be operated in such a manner as to not be a nuisance to adjacent residential structures. This section limits uses of excessive noise, lighting, traffic, and unsightly outside storage.
- D) No display of products shall be allowed in the front yard.
- E) Only one sign advertising the accessory use, not exceeding sixteen (16) square feet in size, motionless and non-lighted, shall be permitted for the proposed RHO use.
- F) All Rural Home Occupations operating under this ordinance section shall provide designated off-street parking to the rear of the primary residential structure for customers of said RHO.
- G) Any occupation that meets the intent of this ordinance may be considered for a Special Exception within an A-G Land Use district as described herein. Such occupations may include but are not limited to the following: catering service, motorized vehicle repair, printing or engraving shop, flower shop, furniture upholstery shop, locksmith or gunsmith, personal service shops, photography studio, specialty shops as they relate to the sale of items manufactured therein, and service oriented commercial activities associated with agricultural uses. Other uses as reviewed by the Planning Commission and approved by the County Commission may be considered.
- H) Any use approved as a Rural Home Occupation, which proposes outside storage, shall provide for screening of the entire service or storage area as required in Section 3-18 of this ordinance.
- I) Any business related to or associated with an agricultural activity shall not be construed as a RHO as defined by this ordinance.

**9-5 Rural Farm Housing.** In A-G development districts within the unincorporated area of Brantley County, there shall be permitted, as a matter of right, to any owner of property, one primary dwelling and as many as five (5) residential uses on any parcel of land under single ownership where the following conditions can and must be met.

- A) Occupants of non-principal residential uses shall be related by blood ties to the owner of the property and said blood relationships shall extend to but not beyond the second descending and ascending generation. This shall not apply to occupants that are full time employees of the property owner and are responsible for the agricultural production of the property.
- B) Each such non-principal residential use shall occupy a land area not less than 43,560 square feet in size, with a minimum area width of one hundred fifty (150) feet.
- C) Each such land area shall be so defined by permanent physical markers as to be given a

numerical address and location designation.

- D) Each such land area shall receive approval from established county health authorities as to its suitability as a site for an effective sanitary sewage disposal system designed to accommodate wastes generated by the user of that land site.
- E) An acceptable domestic water supply shall be available to each satellite user of this special provision and such water supply shall meet local public requirements as administered by county health authorities.
- F) No commercial use of this special provision will be allowed and no rental charge can be placed on the non-principal uses.
- G) Each such use shall be accessible, either by private drive or public roadway, to the public thoroughfare system.
- H) Individual power supply sources shall be provided to each user under this special provision and each utility installation shall meet such standards as have been adopted by Brantley County.
- I) Facilities established under this special provision for residential use shall meet the requirements of local construction codes established by the Brantley County Commission.
- J) Permits for construction will not be issued prior to the approval of each of the aforementioned conditions by the Land Use Administrator (County Manager). In addition, any change in use or occupancy must be approved by the Land Use Administrator (County Manager).

**9-6 Manufactured Housing Parks.** Manufactured housing parks are allowed provided the following requirements are met:

- A) The minimum lot size shall be three (3) acres.
- B) The MHP shall have a minimum side yard of 20 feet, minimum rear yard of 20 feet, and front yard of at least 20 feet greater than that required for other uses permitted in the district.
- C) Access to the park shall be limited to paved streets with at least fifty (50) feet of right-of-way. The site must directly abut a major thoroughfare roadway as designated on the Official Road Classification Map of Brantley County.
- D) Each manufactured home shall be connected to an approved water and sewer system as required by the Brantley County Health Department. The park plan shall be accompanied by a certificate of approval from the Brantley County Health Department.
- E) The minimum area per manufactured home space shall not be less than 8,000 square feet with a minimum individual space width of (60) feet. Individual manufactured home requirements shall be as dictated by the rules and regulations of the Brantley County Board of Health and the Land Use ordinance minimums. All Health Department required plans shall accompany the required site plan for Planning Commission review.
- F) All manufactured home spaces or other park sites devoted to accessory uses (such as management offices, laundry facilities, recreation buildings, etc.) shall have an interior

setback of ten (10) feet from its respective area boundaries. Residential accessory buildings associated with dwelling units shall be set back ten (10) feet from its respective space boundaries, limit of one (1) accessory building per manufactured home space.

- G)** A twenty (20) foot interior drive, paved and properly drained, shall serve all manufactured home spaces and shall be drained so as to prevent damage to adjoining property, public or private.
- H)** Each manufactured home space and accessory use space shall be clearly defined by means of concrete, steel or iron pipe markers placed at all corners.
- I)** All property lines of a manufactured housing park, which abuts any Land Use district other than another MHP district, shall be screened as required in Section 3-18 of this Ordinance.
- J)** Prior to any application for Land Use district amendment, development or expansion, all manufactured housing park developments must be submitted to and reviewed by the Greater Brantley Planning Commission and must receive their approval prior to the issuance of any building permits. Proper utility plans, drainage plans and road development plans, drawn to county specifications, shall accompany the proposed site plan for county staff review prior to submission to the Planning Commission. For the purpose of the development of the required plans, site plans for manufactured housing parks shall contain data equivalent to the preliminary plat requirements of the Brantley County Land Subdivision Ordinance. Construction drawings equivalent to the improvements plan process described in the Brantley County Land Subdivision Ordinance shall be required to be submitted to and approved by the Brantley County Engineer prior to the initiation of any manufactured housing park construction. All utility and streets construction must be completed prior to issuance of any building permits.
  - 1)** At least 500 square feet per manufactured home lot, not to be part of the required manufactured lot, shall be provided in one or more locations for community playground and recreation purposes.
  - 2)** No manufactured housing park shall be occupied by a greater number of manufactured homes than that authorized in the approved site plan. No manufactured housing park shall be enlarged or expanded unless a separate manufactured housing park site plan has been reviewed and approved by the Planning Commission.
  - 3)** An identification sign, including the name of the manufactured home community, and the name of the owner/manager or another individual who can act for the owner/manager, measuring not less than 10 square feet and no more than 16 square feet, shall be placed on private property, close to the entrance of the park and readily visible from both directions of the public right-of-way.

**9-7 Junk Yard Buffers.** An eight (8) foot fence and six (6) foot wide buffer strip, developed in accordance with Section 3-18, shall be erected and properly maintained along all road frontages, all side lot lines and all rear yard lines of any junk yard.

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## SECTION 10

### ADMINISTRATION, ENFORCEMENT, AND PENALTIES

**10-1 Land Use Administrator (County Manager).** An administrative official designated as the Land Use Administrator (County Manager) by the Board of Commissioners, Brantley County, Georgia, shall administer and enforce the provisions of this ordinance.

**10-2 Building/Development Permit Required.** A building/development permit issued by the Land Use Administrator (County Manager) is required in advance of the initiation of construction, erection, moving, demolition, or alteration of any building or structure. No building or development permit shall be issued except in conformity with the provisions of this ordinance; however, a building permit issued before the adoption of this ordinance shall remain valid with the same qualifications as issued under this ordinance.

**10-3 Application for Building/Development Permit.** All applications for building/development permits shall be accompanied by a plat or plan in duplicate (2) drawn to scale, and furnished by the applicant, showing the actual dimensions of the lot to be built upon, the size and location of the lot, the number of dwelling units the building is designed to accommodate, the setback lines of the building on the "permit lot", and such other information as may be essential for determining whether the provisions of this ordinance are being observed. The following is required on the site plan before the site plan is considered by the Land Use Administrator (County Manager).

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

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

The applicant for a building/development permit shall submit a certificate with this application which certifies that the lot which he proposes to develop is a lot of record. When the lot in question does not meet the lot width and lot area requirements of this ordinance, then the applicant shall certify that such lot was a lot of record prior to the adoption of this ordinance 11-1-10 or of the Brantley County Subdivision Regulations or is a lot which has been created through governmental taking of property.

All applications for a building/development permit shall be closely coordinated with Brantley County's Soil and Sedimentation and Erosion Control Ordinance.

**10-3.1 Coordination with Development of Regional Impact Requirements.** The Georgia Department of Community Affairs, pursuant to the Georgia Planning Act, has established criteria for the identification of certain large scale developments which have the potential to cause land use impacts beyond the boundaries of the respective local government where a project might be proposed. These developments, known as Developments of Regional Impact (DRIs), shall be submitted, based on established DCA standards, procedures, and format, to the Southern Georgia Regional Commission (SGRC) for review and recommendation prior to issuance of any local building or development permit or utility tap (does not apply to any activity reviewed under any earlier Land Use district amendment.) As such, these requirements establish an official delay in the local permitting and/or review process to allow for compliance with these requirements.

**10-3.2 Coordination with Water Resource District Requirements.** As identified in Section 10, Water Resource Districts for Brantley County contains three identified water resources: Groundwater Recharge Areas, River Corridor Protection Areas, and Potential Wetlands Areas. The Groundwater Recharge Areas, Protected River Corridor segments and generalized wetlands are available as digital overlays. Prior to issuance of any local building/development permits, these data bases shall be checked, and if any are found applicable to the subject project or property, all requirements of Section 10, Water Resource Districts, shall be enforced as part of the permitting process.

**10-4 Activities to Comply with Site Plan.** All development activities or site work conducted after approval of the site plan shall conform to the specifications of said site plan. The site plan may be amended only with the approval of the Land Use Administrator (County Manager) or this designee.

**10-5 Penalties for Violation.** In case any building or structure is erected, constructed, reconstructed, demolished, altered, repaired, moved, converted or maintained, or land is used in violation of this ordinance, the offender shall, upon conviction in Magistrate's Court, be fined no more than five-hundred (\$500) dollars or imprisoned for not more than sixty (60) days, or both, for each offense. Each day of continued violation shall be considered a separate offense.

When removal of vegetative cover, excavation or fill has taken place in violation of this ordinance, the violator may be required to restore the affected land to its original contours and to restore vegetation, as far as practicable, at the discretion of the Land Use Administrator (County Manager) and/or this designee. Such actions shall be closely coordinated with U. S. Army Corps of Engineers supervision. If the Land Use Administrator (County Manager) and/or this designee discover a violation of this ordinance that also constitutes a violation of provisions of the Clean Water Act as amended, the Land Use Administrator (County Manager) or this designee may issue written notification of the violation to the U. S. Environmental Protection Agency and the U. S. Army Corps of Engineers and the landowner.

**10-6 Enforcement.** The Magistrate's Court of Brantley County shall have jurisdiction over violators of this ordinance and all procedures for enforcement of such ordinance shall be as provided in Article 4, Chapter 10 of Title 14, Official Code of Georgia. Complaints of violations of any provision of this ordinance shall be brought before the Magistrate's Court by the Land Use Administrator (County Manager) or their designated representative and shall be prosecuted through that court.

**10-7 Remedies.** In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure, or land is or is proposed to be used in violation of these regulations, the Land Use Administrator (County Manager) or other appropriate county authority or any adjacent or neighboring property owner or occupant who would be damaged by such violation may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceedings to prevent the violation in the case of such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; or to correct or abate such violation, or to prevent the occupancy of said building, structure, or land.

**10-8 Complaints Regarding Violations.** When a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof and shall be filed with the Land Use Administrator (County Manager). He shall record properly such complaint, investigate within thirty (30) days and take action thereon as provided in these regulations.

**10-9 Cancellation of Permits.** A demolition, building, or development permit shall be canceled by the Land Use Administrator (County Manager) when the method of demolition, construction, or use violates any

provision contained in these regulations, or any state or local ordinance or resolution. Upon such cancellation, any further work upon the demolition, construction, alteration, or repair on said building or structure, and any further use of said building or structure or land, shall be deemed a violation. Each and every day such unlawful demolition, construction, alteration, or repair on said building or structure, or further use of said building or structure or land continues shall be deemed a separate offense.

**10-10 Certificate of Occupancy.** Certificate of Occupancy shall be issued by the Land Use Administrator (County Manager) in accordance with the following provisions:

**10-10.1 Certificate of Occupancy Required:** A Certificate of Occupancy issued by the Land Use Administrator (County Manager) is required in advance of occupancy or use of:

- A) A building hereafter erected.
- B) A building hereafter altered so as to affect height, the side, front, or rear yard.

**10-10.2 Issuance of Certificate of Occupancy:** Upon payment of all required fees, the Land Use Administrator (County Manager) shall sign and issue a Certificate of Occupancy if the proposed use of land or building is found to conform to the applicable provisions of this ordinance, and if the building, as finally constructed, substantially complies with the sketch or plan submitted and approved for the building permit. One (1) copy of all Certificates of Occupancy issued which contain a statement of the intended use of the applicable property and other pertinent information, signed by the owner or this agent shall be kept on file in the office of the Land Use Administrator (County Manager).

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

**10-12 Permits and Licenses Void When Issued in Conflict.** Any permit or license issued in conflict with the provisions of this resolution shall be null and void.

**10-13 Appeals.** Appeals from the decisions of the Land Use Administrator (County Manager) with regard to interpretation, administration, and enforcement shall be made to the Board of County Commissioners, Brantley County, Georgia.

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**SECTION 11.****APPEALS****11-4 Appeals.**

**12-4.1 Who May Appeal:** Appeals to the Brantley County Commissioners may be taken by any person aggrieved or by any officer, department, board, or bureau of the governing authority affected by any decision of the Land Use Administrator (County Manager). Such appeals shall be filed no later than thirty (30) days after the date of notification of the decision appealed from by filing with the Land Use Administrator (County Manager), and with the Commission, a notice of appeal specifying the grounds thereof. The Land Use Administrator (County Manager) shall forthwith transmit to the Commission all the papers constituting the record upon which the action appealed from was taken.

**11-4.3 Presentation of Evidence:** The appellant, and any public agency or private individual shall be entitled to present evidence on matters before the Commission. Commission may request data, or factual evidence from the Planning Commission in reaching decisions.

**11-4.4 Appeals Decisions.** The Commissioners may, in conformity with the provisions of these regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Land Use Administrator (County Manager), and to that end shall have all the powers of the Land Use Administrator (County Manager). The Commissioners may direct the issuance of a permit. It shall be the duty of the Land Use Administrator (County Manager) to carry out the decisions of the Commission.

**11-5 Public Hearing.**

**11-5.1 Notice of Hearing Shall Be Given:** Before making its decision on an administrative appeal request for a variance, or any other matter within the Commission authority, said Commission shall hold a public hearing thereon. At least fifteen (15) days but not more than 45 days notice of the time and place of such hearing shall be sent to the appellant or petitioner, to the Planning Commission, the Land Use Administrator (County Manager), and to the owners of all properties either adjoining the property with which the hearing is concerned or situated directly across a public right-of-way from said property. Such notice shall contain the name of the appellant or petitioner, the date, time, and place set for the hearing, and a brief statement of the nature of the hearing.

**11-5.2 Public Notice in Newspaper:** The Board shall give a public notice of the hearing in a newspaper published and circulated in Brantley County, Georgia by advertisement published at least fifteen (15) days but not more than 45 days prior to the date of the public hearing shall be published in two (2) consecutive issues of the legal organ of the county.

**11-5.3 Who May Appear:** Any party may appear at the public hearing in person or by agent or by attorney.

**11-5.4 Time Limit on Board's Decision:** The Commission shall reach a decision following a public hearing within thirty (30) days.

**11-6 Variances and Special Exceptions.**

**11-6.1 Request for a Variance:** The Commission may authorize upon appeal in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of provisions of these regulations will, in an individual case, result in unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. Provided, however, that a variance shall not be granted for a use of land or building or structure that is prohibited by this ordinance in the district in question. Such variance may be granted in an individual case upon finding by the board that all of the following exists:

- A) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography, and such conditions are peculiar to the particular piece of property involved and not to any other;
- B) The application of these regulations to this particular piece of property would create an unnecessary hardship;
- C) Special circumstances are not the result of the action of the applicant, and granting the variance request will not confer upon the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
- D) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided that no variance may be granted for a use of land, building or structure that is prohibited by this ordinance. Applications for use variances shall be accepted by the Land Use Administrator (County Manager) and shall be properly filed as requests for Land Use districts amendment, the authority for such being solely reserved for the Brantley County Commission.
- E) Provided that the Board of Commissioners may impose or require such additional restrictions and standards (i.e., increased setbacks, buffer strips, screening, etc.) as may be necessary to protect the health and safety of residents and workers in the community, and to protect the value and use of property in the general neighborhood. Provided, that whenever the Board of Commissioners shall find, in the case of any permit granted pursuant to the provisions of these regulations that any of the terms, conditions or restrictions upon which such permit was granted are not being complied with, said Board shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for public hearing.

**11-6.2 Application for Special Exception Approval:** An application for a Special Exception approval shall include the following:

- A) The community or area in which is located the land proposed to be reclassified and the street number, if any, or if none, the location with respect to the nearby public roads in common use;
- B) A plat of the land in question, and a description by metes and bounds, bearings, and distances of the land, or if the boundaries conform to the lot boundaries within a subdivision for which a plat is recorded in the land records of the County; then the lot, block, and subdivision designations with appropriate plat reference; or the map and parcel number according to the current tax mapping system of Brantley County;
- C) The present Land Use district classification and the proposed Special Exception usage proposed for the subject property.
- D) The names and address of the owners of the land, and the names and addresses of abutting



property owners.

- E) The area of the land proposed to be reclassified stated in square feet if less than one (1) acre, and in acres if one (1) or more;
- F) The application number, date of application, and action taken on all prior applications filed for the development district reclassification or Special Exception use of the whole or part of the land proposed for Special Exception use.

**11-6.3 Request for Extension of Non-Conforming Residential Uses:** The Commission may authorize upon appeal in specific cases an extension or replacement of an existing non-conforming residential use which the Commission is specifically authorized to pass on under the terms of this ordinance. Said extension may be granted in an individual case upon finding by the Commission that:

- A) The use is a non-conforming use as defined in these regulations; and
- B) The use is in full compliance with all requirements of these regulations applicable to non-conforming uses; and
- C) The extension of said use will not further injure a permitted use on adjacent property in the same district.
- D) This section is specifically designed to allow for the replacement of homeowner occupied residential units in areas no longer zoned for residential uses. As such, this provision is not subject to the limits of Section 8-5.

**11-7 Forms.** Appeals from actions of the Land Use Administrator (County Manager), requests for variances, and requests for extension of non-conforming residential uses shall be made on forms provided for such purposes. The applicant shall provide all information required on said forms. Forms shall be filed with the Land Use Administrator (County Manager), and the applicant shall pay Brantley County for expenses incidental to the appeal. The Land Use Administrator (County Manager) shall accept no form unless it contains all pertinent information and is accompanied by the required fee to defray expenses as set from time to time by the County Commission.

## SECTION 12.

### AMENDMENT

**12-1 General Conditions.** These regulations, including the official Land Use districts map, may be amended by the Board of Commissioners on their own motion, on petition of a property owner or this duly authorized agent, or on recommendation of the Planning Commission, but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the Planning Commission for review and recommendation. Before enacting an amendment to these regulations, the governing authority shall give public notice and hold a public hearing thereon as set forth in this section.

**12-1.1 Establishment of Comprehensive Plan.** The 2016 Greater Brantley Comprehensive Plan, as duly amended, is established as official policy of Brantley County. As such, the goals and policies of the Plan, and the resultant Future Land Use Plan, shall serve as the guide under which the unincorporated areas of the county are divided into Land Use districts. The recommendations of the Plan are hereby established as official policy of the county, and shall receive due consideration in all Land Use districts reclassification requests.

**12-1.2 Limited Use Provision.** The Brantley County Board of Commissioners establishes the Limited Use provision for the purpose of allowing an applicant to request that a certain area be designated as a limited use. In some areas of the county, a specific land use activity out of a general Land Use classification may have less community impact than some of the possibilities of use in that specific Land Use district. For this reason, an applicant may request in this development petition to limit the use of a proposed property to a specified use only. The requested limited use must be among the uses permitted in the Land Use district classification for which the limited use is requested. Alteration or change of an approved limited use shall be treated as any normal Land Use amendment.

**12-1.3 Special Conditions Limitations.** An applicant may file site plans, renderings, construction specifications, written development restrictions and other site planning or development conditions which the applicant proposes as binding conditions upon the development and use of the property involved in the application. Should the application be approved with these conditions, any alteration or change of special conditions limitation shall be treated as any normal Land Use district amendment.

### **12-2 Application for Amendment.**

**12-2.1 General:** Applications for amendment of these regulations may be in the form of proposals for amendment of the text of these regulations, proposals for amendment of the Land Use districts map or requests for Special Exception approval. Applications for amendment shall be submitted to the Land Use Administrator (County Manager) and shall include a fee payable to the county to defray expenses as set from time to time by the County Commission. No application for a Land Use district amendment affecting the same parcel of property or part thereof shall be accepted by the Land Use Administrator (County Manager) until the expiration of at least six (6) months immediately following the denial of the development district amendment request by the Brantley County Commission.

**12-2.2 Signature of Applicant Required:** All applications shall be signed by the applicant, and shall state this name and address.

**12-2.3 Application for Text Amendment:** In the case of a text amendment, the application shall set forth the new text to be added and the existing text to be deleted.

**12-2.4 Application for Map Amendment:** An application for a map amendment shall include the following information:

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

**12-2.5 Campaign Contributions:** If the applicant has made, within two (2) years immediately preceding the filing of the applicant's request for a Land Use amendment, campaign contributions aggregating \$250 or more to any member of the Brantley County Commission or any member of the Greater Brantley Planning Commission, it shall be the duty of the applicant and the attorney representing the applicant to disclose the following in the application:

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

**12-2.6 Developments of Regional Impact.** The Georgia Department of Community Affairs, pursuant to the Georgia Planning Act, has establish criteria for the identification of certain large scale developments which have the potential to cause land use impacts beyond the boundaries of the respective local government where a project might be proposed. These developments, known as Developments of Regional Impact (DRIs), shall be submitted, based on established DCA standards, procedures, and format, to the Southern Georgia Regional Commission (SGRC) for review and recommendation prior to any Planning Commission or Brantley County Commission action. As

such, these requirements establish an official delay in the local amendment process to allow for compliance with these requirements.

**12-2.7 Referral to Planning Commission:** Within five (5) days after the routine monthly application acceptance deadline, the Land Use Administrator (County Manager) shall transmit a copy of the completed application to applicable local staff members for review and recommendation. The Land Use Administrator (County Manager) shall coordinate this local review process with the County's planning staff and/or planning consultant to prepare a written staff report on all matters brought before the Planning Commission and County Commission. The Planning Commission shall review each application for consistency with the adopted local Comprehensive Plan, and the adopted standards for exercise of the Land Use powers. The staff report and Planning Commission recommendations shall then be transmitted to the County Commissioners. The Planning Commission shall have thirty (30) days within which to submit a report to the County Commissioners. If the Planning Commission fails to submit a report within thirty (30) days, it shall be deemed to have recommended denial of the requested amendment.

- A) Posting of Property:** Not less than fifteen (15) days prior to the date set for the public hearing on any application for a map or Special Exception amendment (other than a map or Special Exception amendment initiated by the Planning Commission or the County Commission), the Land Use Administrator (County Manager) shall erect a sign on the land proposed to be reclassified. Such sign shall be erected by the Land Use Administrator (County Manager) within (10) feet of whatever boundary line of such land abuts the most traveled public road; and, if no public road abuts thereon, then such sign shall be erected to face in such a manner as may be most readily seen by the public. The sign shall have a minimum size of twenty (20) by thirty (30) inches (20" x 30"), shall show the application number, the present Land Use classification, the proposed Land Use classification or Special Exception use, the scheduled date, time, and place of public hearing, and the telephone number to call for further information. If the land sought to be reclassified lies within more than one (1) block as shown on a plat recorded in the land records of the County, then a sign shall be erected on the land in each such block.
- B) Removal of Sign:** Any such sign shall be maintained at all times by the Land Use Administrator (County Manager) until a decision on the application has been made by the County Commissioners.

#### **12-2.8 Hearing Procedures:**

- A) Hearing Called:** Before taking action on a proposed Land Use amendment, the Board of Commissioners shall hold a public hearing thereon. At least fifteen (15) but not more than forty-five (45) days notice of the time, place, and purpose of said hearing shall be published in a newspaper of general circulation within Brantley County, Georgia at least (2) consecutive issues. Such notice shall also state the application number and date, and shall contain a summary of the proposed amendment, if a text amendment, and in the case of a map amendment, the location of the property, its area, the name of the owner or their authorized agent, and the present and proposed Land Use classification or Special Exception use for the property affected.

Further, such advertisement shall advise the public pursuant to O.C.G.A. 36-67A-3 that any opponent of a proposed district amendment or Special Exception approval action who has made campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application within two (2) years of the date of the application shall be required to file a disclosure with the governing authority of the

respective local government showing: (1) The name and official position of the local government official to whom campaign contributions were made; and (2) the dollar amount and description of each campaign contribution made by the opponent to the local government official during the two (2) years immediately preceding the filing of the application for the proposed Land Use district amendment or Special Exception approval action and the date of each contribution. Such disclosure shall be required to be filed at least five (5) calendar days prior to the scheduled hearing.

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

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

After all citizen comments have been received, all further discussion of the specific application is reserved for the County Commission. The Chairman shall then declare the public hearing closed and no further public comment will be entertained. The County Commission will then render a decision on the application. So that the purpose of this Ordinance will be served, health, public safety, and general welfare secured, the County Commission may approve the application, reduce the land area for which the application is made, change the district requested, add or delete conditions of the application, deny an

application, or defer consideration of an application to acquire additional information. An action by the Commission to defer the application shall include a statement of the date and time of the next meeting at which the application will be considered, which statement shall constitute public notice of the hearing on the application and no further notice is required. IN THE CASE OF TABLING OF A MATTER, NO FURTHER PUBLIC COMMENTS WILL BE ENTERTAINED UPON FURTHER CONSIDERATION OF THE MATTER.

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

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

- 9) Is the proposed change out of scale with the needs of the neighborhood or Brantley County or does the request reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?
- 10) Will the proposed change constitute a grant of special privilege to the individual owner as contrasted with the adjacent or nearby neighborhood or with the general public?

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

- 1) Is the type of street providing access to the use adequate to serve the proposed Special Exception use?
- 2) Is access into and out of the property adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and to allow access by emergency vehicles?
- 3) Are public facilities such as schools, water, sewer or other public utilities and police and fire protection adequate to serve the proposed Special Exception use?
- 4) Are refuse, service parking and loading areas on the property located or screened to protect other properties in the area from such adverse effects as noise, light glare and other negative impacts?
- 5) Will the hours and manner of operation of the Special Exception use have no adverse impacts on other properties in the area?
- 6) Will the height, size or location of the buildings or other structures on the property is compatible with the height, size or location of buildings or other structures on neighboring properties?

Provided, that the County Commission may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood; and provided that wherever the County Commission shall find in the case of any permit granted pursuant to the provisions of these regulations that any term, condition or restrictions upon which such permit was granted are not being complied with, said County Commission shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

Special Exceptions granted by the County Commission shall be executed within a twelve month period or become null and void and subject to procedures for resubmission.

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

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

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



**SECTION 13.**

**DUTIES OF LAND USE ADMINISTRATOR (COUNTY MANAGER),  
COUNTY COMMISSION AND COURTS ON MATTERS OF APPEAL**

**13.1 Land Use Administrator (County Manager).** It is the intent of these regulations that the Land Use Administrator (County Manager) be chiefly

- A)** Serve as administrative secretary to the Planning Commission.
- B)** Maintain public records concerning the administration of the Land Use Ordinance, including all maps, amendments, Certificates of Land Use Compliance, Special Exception Uses, Variances, and records of public hearings.
- C)** To the extent practical, collect data and keep informed as to the best Land Use practices in order to be qualified to make recommendations to the Planning Commission, all of which must be approved by the County Commission.
- D)** Undertake other relevant duties as may be delegated by the County Commission.

**13-2 County Commission.** It is further the intent of these regulations that the duties of the County Commission shall be to adopt or reject proposed amendments to these regulations as detailed in Section 12. Matters of non-enforcement of this ordinance may be brought to the County Commission's attention by aggrieved parties only after the aggrieved party has followed the complaint procedure. Corrections to problems of non-enforcement shall be handled by the Board of Commissioners. Recourse from all decisions of the County Commission shall be to the courts as provided by law.

**SECTION 14.**

**LEGAL STATUS PROVISIONS**

**14-1 Conflict with Other Laws.** All previous Land Use ordinances of Brantley County, Georgia, are hereby repealed. All ordinances or parts of ordinances not specifically in conflict herewith are hereby continued in force and effect, but all such ordinances or parts of ordinances in conflict herewith are hereby repealed. Whenever other ordinances or parts of ordinances require greater restrictions than those required by this ordinance, such ordinances or parts of ordinances shall govern. Whenever other ordinances or parts of ordinances require lesser restrictions, the requirements here within shall govern.

**14-2 Separability.** If any section, clause, portion or provision of this ordinance is found unconstitutional, such invalidity shall not affect any other portion of this ordinance.

**14-3 Effective Date.** This ordinance shall take effect and be enforced from and after its adoption and passage by the Brantley County Commission.

\_\_\_\_\_  
Date of Adoption

S/ \_\_\_\_\_  
Chairman, Brantley County Board of  
Commissioners

S/ \_\_\_\_\_  
County Clerk, Brantley County, Georgia

(SEAL)