

## **ARTICLE 5. - A-R AGRICULTURAL—RESIDENTIAL**

### **Sec. 501. - Purpose.**

A-R zoning districts are intended to establish and preserve areas where the primary activities are those of farming, agriculture, livestock, timber cultivation, and related uses consistent with maintaining the land resources of Lamar County reserved for these purposes. Residences of a low-density nature which are incidental to these activities are also permitted. Some business type activities are allowed either as home based occupations or agritourism when it is found to have a zero or low impact on surrounding property owners. These districts are free from other uses which are incompatible with a low-density agricultural-residential neighborhood except as granted as a special exception.

### **Sec. 502. - Determining if an area is suitable for inclusion within an A-R district.**

The factors contained in section 410 of these regulations must be thoroughly considered by the planning commission as well as the Lamar County Board of Commissioners when determining in which zoning district an area of land is to be placed. This will assure that rational comprehensive planning principles are the basis upon which the decision is made. Land use decisions which are based on sound planning principles encourage the development and preservation of land use patterns that provide healthful and safe living conditions for the residents of Lamar County.

### **Sec. 503. - Boundaries of A-R districts.**

The official zoning map (section 2301 of these regulations) shows the boundaries of all A-R districts within Lamar County. Article 23 also contains additional information concerning interpreting district boundaries, amending boundaries, etc.

### **Sec. 504. - Permitted uses.**

- (a) The following principal and accessory uses are permitted in A-R districts:
- (1) Site-built single-family, Industrialized, or Class A manufactured detached dwelling with a floor space of at least one thousand four hundred (1,400) square feet.
  - (2) Local, state, or federal government building.
  - (3) Crop farming, fisheries and aquaculture, forestry
  - (4) Livestock: must have 5 acres or more, all structures must be set back at least 20' from property lines
  - (5) Publicly owned and operated park or recreation area.
  - (6) Equine animals: and other pasture raised animals. Must have 5 acres or more. One equine animal per acre of pasture land is permitted.

- (7) Commercial poultry house meeting the following development standards:
  - a. Commercial poultry houses must be placed at least three hundred (300) feet from the property lines unless the adjoining property is zoned other than agricultural-residential, then five hundred (500) feet from the property line. A vegetative buffer must be maintained between the poultry houses and the side and back property lines.
  - b. A one hundred (100) foot natural buffer will be maintained from state waters.
  - c. A plat will be attached to the permit application and will show the following:
    1. All adjoining property owners.
    2. Wetlands.
    3. State waters.
    4. Residential wells.
    5. Existing structures.
    6. The proposed location of the poultry houses.
- (8) Utility substation meeting the following development standards:
  - a. Structures must be placed at least thirty (30) feet from all property lines.
  - b. Structures must be enclosed by a woven wire fence at least eight (8) feet high, with bottom of fence either flush with the ground or with a masonry footing.
  - c. No vehicles or equipment may be stored on the lot.
  - d. A buffer must be maintained along the side and rear property lines.
- (9) Private Cemetery, 1 acre or less: parent parcel must be at least 10 acres
- (10) Home occupation, as defined in section 202.
- (11) Hunting/Deer Camps: only allowed when ratio is 1 hunter per 20 acres or more and have the following requirements:
  - a. Have letter of approval/lease agreement from owner of the property for the deer camp;
  - b. Have letter of approval from GDOT (Georgia Department of Transportation) or County Road Department for driveway culvert;
  - c. Have approval from environmental health for septic system/number of privies;
  - d. Have plan for camp with number of spaces for campers/tents and privies;
  - e. Have plan for electrical power pole and wiring for each camper site;
  - f. Camp sites may not be inhabited for more than thirty (30) consecutive days or sixty (60) days per annum;
  - g. Camp must be completely screened from road and from adjoining property owners;

- h. Any changes to approved plan shall be reviewed and approved by the zoning administrator.
- (12) Agritourism, Small Scale: see section 506 for requirements
  - (13) Structures used in the personal enjoyment of the property owner: examples include private swimming pools, tennis courts, children’s playhouses, etc. All structures must be placed at least 5’ from the side and back property line. None are allowed in front of the main dwelling, unless given an administrative variance by the Administrative Officer.
  - 14) Structure for the storage of equipment and supplies used in maintaining the principal building, its grounds, and/or its agricultural activities.
  - (15) The parking of unoccupied travel trailers, motor coaches, or pleasure boats.
  - (16) Sign as permitted by the Lamar County Sign Ordinance (Appendix F).
  - (17) Camper or motor home for temporary living quarters at construction site meeting the following development standards: The temporary home must be located in the rear of the property; a valid building permit must be in place for the building under construction.
  - (18) Guest quarters meeting the following development standards:
    - a. No more than one (1) is permitted on a lot with another dwelling.
    - b. It is permitted only within a rear yard and must be set back at least forty (40) feet from all property lines.
    - c. Property cannot be located in a major subdivision as defined by the Lamar County Development Regulations.
    - d. Guest quarters must be stick built, smaller in size than the main dwelling and must meet minimum standard building codes.
    - e. Manufactured Homes, Campers, travel trailers, or modified busses may not be used as guest quarters.
    - f. Must be smaller than the main dwelling.
- (b) The following principal or accessory uses may be permitted as special exceptions in A-R districts:**
- (1) Church, synagogue, chapel, or other place of religious worship or educational instruction meeting the following development standards:
    - a. It must be located on either an arterial or collector road.
    - b. The lot must have a minimum road frontage of two hundred (200) feet.
    - c. The lot must have an area of at least five (5) acres.
    - d. All buildings must be located at least fifty (50) feet from any property line.

- e. A buffer must be provided along all side and rear property lines.
- (2) Nursery school or kindergarten meeting the following development standards:
  - a. At least two hundred (200) square feet of outdoor play area must be provided.
  - b. At least thirty-five (35) square feet of indoor space per child must be provided.
  - c. Outdoor play areas must be enclosed by a fence at least four (4) feet high.
- (3) School: Elementary, middle, high (public or private) with the following standards:
  - a. It must be located on either an arterial or collector road.
  - b. The lot must have a minimum road frontage of two hundred (200) feet.
  - c. The lot must have an area of at least five (5) acres.
  - d. All buildings must be located at least fifty (50) feet from any property line.
  - e. A buffer must be provided along all side and rear property lines.
- (4) Golf course — Public or private — Meeting the following development standards:
  - a. It must be for daytime use only.
  - b. All buildings, greens, and fairways must be set back at least one hundred (100) feet from any property line.
- (5) Radio, cellular, or television tower meeting the following development standards:
  - a. All such structures and support facilities must be set back at least two hundred (200) feet from adjacent property lines, or set back the same amount of the height of the tower, whichever is greater.
  - b. All Federal and State requirements must be met.
- (6) Airport or Airstrip— Public, private, or commercial — Paved or unpaved.
- (7) College or university with dormitories, fraternity and/or sorority houses, when located on campus with the following requirements:
  - a. It must be located on either an arterial or collector road.
  - b. The lot must have a minimum road frontage of two hundred (200) feet.
  - c. The lot must have an area of at least four (5) acres.
  - d. All buildings must be located at least fifty (50) feet from any property line.
  - e. A buffer must be provided along all side and rear property lines.
- (8) Kennel meeting the following development standards:
  - a. All structures must be set back two hundred (200) feet from all property lines.
  - b. Must not house more than 20 canines at one time, including puppies.
- (9) Private club or lodge.

- (10) Cemetery, over 1 acre.
  - (11) Bed and breakfast inn or any other type of short term residential style accommodation meeting the following requirements:
    - a. Must have off-street parking for all guests;
    - b. Limited to a maximum of 5 guest rooms.
  - (12) Personal care home with the following development standards:
    - a. Home must be inspected by county inspector to ensure compliance with state mandated sizing and material conditions requirements for the number of residents requested in the special exception request before a business license is issued.
    - b. A state permit and county business license must be obtained and renewed annually for the operation of the home.
    - c. An annual inspection by the county inspector shall be conducted at the time of the renewal of the business license to ensure continued compliance with state capacity, material conditions and safety requirements.
  - (13) Agritourism or agritainment (large scale) as defined in section 506 of this ordinance,
  - (14) Concentrated Outdoor Commercial: The purpose of this special exception is to regulate uses of property that would have an impact on neighboring property owners through noise, traffic, and light pollution. These uses normally would not be a secondary use of farming and do not meet the requirements of Agritourism. The nature of these uses do not lend themselves to be located in a traditional commercial or industrial area as they are not a daily occurrence or because they require large properties. It is the goal of these regulations to minimize the negative impact to adjoining property owners located in Agriculture/Residential districts while allowing venues that bring in a large number of attendees and/or have a higher tendency for noise, traffic, or other adverse distractions to the neighboring property owners. Some uses compatible with this special exception are as follows: concerts, festivals, rodeos, spectator sports or other events, ATV trails, motorized and nonmotorized dirt racetracks, weddings or other special events, shooting ranges. Each application will be reviewed independently and either approved or denied based on the applicant's property, the surrounding property, traffic access, and any other considerations that may be deemed significant.
- (c) **All accessory uses must meet the following standards in districts A-R, E-R, R-1, R-2, R-3, R-4, O-1, C-1 and C-2:**
- (1) They must be located in the rear yard on lots that are less than three (3) acres, except a garage or carport may be in a side yard. If the natural contour or a size restriction of the property prohibits the installation of an accessory building in the rear yard, the owner may submit a variance application for an administrative variance for the evaluation and consideration for approval by the zoning administrator.

- (2) They may not be located closer than five (5) feet to any back or side property line. Property line fences must be set back only a sufficient amount to allow access for required maintenance on both sides of the fence.
- (3) Accessory buildings and structures not attached to the principal building must be located at least twelve (12) feet from the principal building on the lot.
- (d) All uses not permitted within an A-R district by this section are specifically prohibited.

**Sec. 505. - Development standard for A-R districts.**

In addition to the development standards contained in article 4 of these regulations, the following standards are required within A-R districts:

- (a) *Minimum floor area per dwelling unit:* One thousand four hundred (1,400) square feet, except as allowed in section 504(a)(14).
- (b) *Minimum lot area:*
  - (1) As specified by the Lamar County Health Department, but in no case less than (five (5) acres); however, a lot of record lawfully existing at the time of passage of these regulations and having an area of less than five (5) acres (nonconforming) may nevertheless be developed with a use which is permitted within an A-R district, unless that use has a stated minimum acreage, if approved by the Lamar County Health Department.
- (c) *Minimum lot width:* Three hundred (300) feet.
- (d) *Minimum front yard:*  
125' from the property line, or 165' from the centerline, whichever is greater
- (e) *Minimum side yard:* Twenty (20) feet.
- (f) *Minimum rear yard:* Forty (40) feet.
- (g) *Maximum lot coverage by impervious surfaces:* Forty (40) percent.  
*Note:* The following development standards apply to all zoning districts, except as noted.
- (h) *Maximum building height:* Thirty-five (35) feet. However, this height limit does not apply to projections not intended for human habitation. For buildings and structures with such projections, the minimum required yards must be increased one (1) foot every two (2) feet (or part of two (2) feet) of height greater than thirty-five (35) feet. Exceptions: C-3 and M-2 districts.
- (i) *Sight distance:* In order to assure maintenance of adequate sight distances at intersections, no fence, wall, shrubbery, or other obstruction to vision between the heights of three (3) feet and fifteen (15) feet above the ground is permitted within twenty (20) feet of the intersection of the rights-of-way of streets or of streets and railroads. Exceptions: C-3 districts.
- (j) *Applicability to land, buildings, and open space:* No building, structure, land, open space may be used or occupied, and no building or structure or part of a building or

structure may be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations specified for the district in which it is located. No exceptions.

- (k) *Every use must be on a lot:* No building or structure may be erected, or use established unless upon a lot as defined by these regulations. No exceptions.
- (l) *Only one (1) principal building per lot:* Only one (1) principal building and its accessory buildings may be erected on any lot, except for planned developments or as otherwise provided. Exceptions: P-M, P-R, and M-2 districts.
- (m) *Open space not to be encroached upon:* No open space may be encroached upon or reduced in any manner except in conformity with the yard, setback, off-street parking spaces, and other such required development standards contained in these regulations. Shrubbery, driveways, retaining walls, fences, curbs, and buffers are not considered to be encroachments of yards. Open space areas as required by these regulations must be permanently maintained as open space in accordance with the requirements of these regulations. No exceptions.
- (n) *Reduction of yards or lot area:* Except as otherwise provided in these regulations, a lot existing at the time of passage of these regulations may not be reduced, divided, or changed as to produce a tract of land which does not comply with the minimum dimension or area requirements of these regulations for the district in which it is located, unless that reduction or division is necessary to provide land which is needed and accepted for public use. No exceptions.
- (o) *Lots with multiple frontages:* In case of a corner lot or double frontage lot, front yard setback requirements apply to all lot lines abutting a street. No exceptions.
- (p) *Landlocked lots:* In case of a landlocked lot (a lot without direct access to a public street or road) lawfully existing as of the effective date of these regulations, the property owner is entitled to one (1) building permit, as long as all of the following requirements are met:
  - (1) No other principal building exists or is being constructed on the property.
  - (2) No other valid building permit has been issued prior to the effective date of these regulations and is currently valid.
  - (3) The property was and continues to be under single ownership since the effective date of these regulations.
  - (4) The property owner has acquired a 30-foot easement to a public street or road, and the easement has been duly recorded and made a part of the property deed.
  - (5) In the event the property is divided, no additional permits will be issued.
  - (6) Not applicable to P-M and P-R districts.
- (q) *Street frontage:* No principal building may be erected on any existing lot which has less than thirty (30) feet of immediate frontage on at least one (1) public street. Exceptions: P-M and C-3 districts.

- (r) *Yards and other spaces:* No part of a yard, other open space, off-street parking, or loading space required for another building may be included as a part of the yard, off-street parking, or loading space required for another building, except as specifically provided for in these regulations. No exceptions.
- (s) *Substandard lots:* Any lot existing at the time of the adoption of these regulations, which has an area or a width which is less than required by these regulations, is subject to the following exceptions and modifications:
- (1) *Adjoining lots in same ownership:* When two (2) or more adjoining and vacant lots within a non-approved development with continuous frontage are in a single ownership at the time of application and such lots have a frontage or lot area less than is required by the district in which they are located, such lots must be replatted or re-parceled so as to create one (1) or more lots which conform to the minimum frontage and area requirements of the district.
  - (2) *Single lots:* When a lot has an area or frontage which does not conform with the requirements of the district in which it is located, but was a lot at the effective date of these regulations, such a lot may be used for any use allowed in the zoning district in which it is located as long as all other requirements of these regulations are met.
  - (3) Not applicable to P-M and P-R districts.
- (t) *Encroachment on public rights-of-way:* No building, structure, service area, required off-street parking, or loading/unloading facilities are permitted to encroach on public rights-of-way. No mailbox will be allowed to exist on the state or county's right-of-way if it interferes with the safety of the traveling public. A mailbox that does not conform to the provisions of this section is an encroachment under O.C.G.A. § 32-6-1. No exceptions.
- (1) All mailboxes shall be located in accordance with the rules and regulations of the postmaster general. However, on an uncurbed roadway, mailboxes should be set back a sufficient distance to allow the postal delivery person to be completely off the travel lanes to deliver mail.
  - (2) Mailbox supports or posts shall not be made of a material that will not readily yield upon impact (masonry or concrete); nor shall any other construction which could be classified by the zoning administrator or the state highway engineer, as a hazardous fixed object be allowed either as a support, or as an encasement, or housing for the box itself. Also, when using wood, the size of the support or the post will be a maximum nominal four (4) inches by four (4) inches if square or maximum four (4) inches in diameter if round. If a metal post is to be used, the post shall be hollow and no greater than three (3) inches in diameter.
- (u) *Physical design standards:* Minimum design standards for driveways, loading areas, and other such physical site developments are contained in applicable development regulations of Lamar County. Consult that document for specific requirements. No exceptions.



- (v) *Off-street parking and service requirements:* Minimum standards for off-street parking and service requirements are contained in the Lamar County Standard for Off-Street Parking and Service Facilities (Appendix 1). No exceptions.
- (w) *Other applicable development regulations:* Information concerning any other applicable development regulations may be obtained by consulting the administrative officer. No exceptions.
- (x) *Signs:* Minimum design and location standards for signs are contained in the Lamar County Sign Ordinance (See Appendix F). Consult that document for specific requirements. No exceptions.

## **Section 506 Agritourism**

### **Sec. 506 Agritourism Development Standards and Procedures.**

- (a) The purpose of these standards is to allow agritourism uses in Lamar County while maintaining the rural character and preserving farmland of the area and protecting the health, safety and welfare of the citizens while understanding that Agriculture is not a passive activity. Agritourism presents a unique opportunity to combine aspects of tourism and agriculture to provide a number of financial, educational and social benefits to tourists, producers and communities. Agritourism gives producers an opportunity to generate additional income and an avenue for direct marketing to consumers. It enhances the tourism industry by increasing the volume of visitors to an area and the length of their stay. Agritourism also provides communities with the potential to increase their local tax bases and new employment opportunities. In addition, agritourism provides educational opportunities to the public, helps preserve agricultural lands and allows the development of businesses that cannot later be outsourced. Agritourism is divided into two categories: small scale, which is a permitted use in AR and large scale, which is a special exception in AR. The following design standards considered and applied as is applicable to the specific request:
  - a. Establishments catering to outdoor group events must provide off-road secured parking for attending vehicles.
  - b. Any outdoor gathering spaces, patios, pavilions, and/or other similar temporary or permanent open structures must be at least fifty (50) feet from all residentially zoned properties.
  - c. Amplified sound or music for outdoor activities shall only be permitted between the hours specified in the approval of the special exception.
  - d. No noise shall be so loud to be determined a public nuisance as is defined in the Lamar County Code, chapter 2-13, article IV.
  - e. Food and/or beverages provided for sale and/or consumption on the subject property must meet all federal, state and local requirements for health and safety.
  - f. A valid Lamar County business license must be held for any activities that are not exempt. If equine activities are planned or anticipated as part of the business, a

State of Georgia "Stable License" must be held before a Lamar County business license may be issued.

- g. The volume of vehicle traffic with the anticipated arrival and departure times of those vehicles may be considered and specified.

**(b) Small Scale Agritourism:** facility or use that poses minimal or small impact to surrounding farms and/or residential properties. In order to maintain minimal or small impact, all uses are limited to no more than 25 visitors at one time unless otherwise noted. Examples include:

cut your own/pick your own. A working farm that grows trees, fruits, vegetables, and/or nuts where sales are made directly to the public and where the customers may participate in the harvesting.

Educational Demonstrations. Demonstrations that teach the ability to create a product where raw materials are grown from a working farm.

Farm Retail Sales. A working farm where products produced on the farm are sold directly to the public either from the main dwelling or from a small accessory building less than 200 square feet.

Farm Tours. Tours where members of the public are shown working farm operations and teaches the attendees about farm processes.

Farm Vacations. Overnight rentals of any residences or portions of residences for less than 30 days. A Lamar County Occupation Permit is required.

Fee Fishing/Hunting. Offering private property for fishing or hunting for a fee to the public or to private parties.

Petting Zoo. Area for visitors to interact one on one with the animals.

Seasonal Events. Hay rides, Christmas lights, Easter egg hunts

Special Events, Small private use of the property or a building on the property for 25 people or less and for 3 hours or less. All property and buildings used must be able to be used for farming activities immediately after the event. All requirements of the Lamar County Noise Ordinance will apply for these types of events.

Other uses of facilities may be approved administratively by the County Planning and Community Development Director that meet the intent of this section and where it is determined that there will be minimal impact to surrounding properties and farms.

**(c) Large scale Agritourism. Facility or use that may pose an adverse impact to surrounding farms and/or residential properties through noise, light, traffic congestion.**

Dinner on the Farm. A working farm (usually organic farm products) where meals are prepared for members of the general public from products of the working farm.

**Farmer's Market.** A farmers market is a place where a group of farmers sells their products directly to consumers. Farmers markets are subject to all state health regulations and any other requirements from the state regarding the sale of food and produce.

**Farm Retail Sales.** A working farm where products produced on the farm and products that are otherwise made in the State of Georgia are sold directly to the public from an accessory structure 500 square feet or greater.

**Horseback Riding.** Lessons in riding to members of the public for pay. Also includes offering trails for horse owners to bring and ride their own stock. This does not include facilities open to the public to watch horses and riders train.

**Special Events, Large:** private use of the property or a building on the property for 26 to 100 people and for more than 3 hours. All requirements of the Lamar County Noise Ordinance will apply for these types of events.

**(d) Occupation Tax Permit.** All large scale agritourism operations are required to have a Occupation Tax Permit. The application for an Occupation Tax Permit is filled out and submitted to the Building Inspection and Zoning Department with the required fee as posted in the Building and Zoning Department. Normal and usual farming activities are not required to obtain an Occupation Tax Permit.

**(e) Conservation Use.** Any property that wishes to start an agritourism business and has property in Conservation Use should check with the Lamar County Property Appraisal Office prior to obtaining a business license. The Property Appraisal Office can let a property owner know if the proposed business will cause a violation of the conservation use covenant. If the Property Appraisal Office is unable to determine if the proposed use is a violation, then the property owner should get a determination from the Lamar County Board of Assessors.