

ZONING ORDINANCE
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Sec. 202. - General definitions.

Administrative officer: One (1) of the persons, officers, or officials, or their authorized representative, whom the Lamar County Board of Commissioners has designated as its agent(s) for the administration of these regulations. The board of commissioners may, in its discretion, designate multiple administrative officers to administer different sections of this ordinance. The board of commissioners may designate administrative officers by minute action without any further amendment to this ordinance.

Agriculture: The raising of soil crops, poultry, and livestock in a customary manner on tracts of land at least FIVE (5) acres in size, including all related buildings, structures, and appurtenances necessary to carry out all associated activities. Retail selling of products raised on the premises is permitted provided that space necessary for the parking of customers' vehicles is provided off the public right-of-way.

Agritourism or agritainment: As is defined broadly, involves any agriculturally based operation or activity that brings paying visitors to a farm, ranch or timberlands. This includes a wide variety of activities, such as, but not limited to, farm markets, roadside stands, U-Pick operations, Christmas tree farms, pumpkin patch, local products retail operations (farm produced crafts and food products), corn mazes, farm-related interpretive facilities and exhibits, agricultural educational experiences, agriculturally related events/fairs/festivals, on site farm/garden/nursery tours, walking and bicycling tours and trails, bird watching, wildlife observation, horseback trail riding, family reunion and community organizations picnic sites and garden weddings.

Airport: A transportation terminal facility where aircraft take off and land.

Airstrip, private: An area designated for the take-off and landing of private, noncommercial aircraft, with no terminal facilities and no scheduled take-offs and landings.

Alteration: Any change in the supporting members of a building, any modification or change in construction, any addition which increases the area or height, any change in use from that of one (1) district classification to another, or movement of a building from one (1) location to another.

Antenna, dish: A structure intended for receiving audio or video signals via a satellite orbiting the earth. It is constructed of a round or square surface which is parabolically curved focusing on a low-noise signal amplifier and the apparatus is mounted on a base. Such antennas must meet the following development standards as well as all other applicable regulations.

- (1) They must not exceed a size of eighteen (18) feet in diameter or twenty (20) feet above the surface upon which the base is affixed.

Gasoline service station: A land use where gasoline, oils, greases, batteries, tires, and general automobile accessories may be provided, but where no part of the premises is used for the storage or dismantling of wrecked or junked vehicles.

Board of commissioners: The Board of Commissioners of Lamar County is the elected board of officials for governing the county.

Boarding house: a residential dwelling or accessory residential dwelling offered to lodgers for less than 30 days per visit.

Buffer; different use: That portion of a lot established for open space purposes and intended to separate properties with different and possibly incompatible types of uses. A buffer must not be otherwise occupied with structures. A buffer must be at least ten (10) feet wide and provide reasonable visual screening of the property through the provision of one (1) of the following:

- (1) Planted vegetative screen at least ten (10) feet wide and EIGHT (8) feet high.
- (2) Fence or wall at least six (6) feet high which provides visual screening.
- (3) A road/street separating differing zoning districts is an allowable distance buffer.

Buffer (state waters): That area along the banks of state waters that must be protected as dictated in state directives.

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Building: Any structure having a roof and intended for shelter, housing, or enclosure of persons, animals, or property of any kind.

Building, accessory: A structure used for a purpose that is customarily incidental and subordinate to the principal use or structure, and located on the same lot as such a principal use or structure.

Building, principal: The building on a lot in which the principal use of the lot is conducted.

Building, height: The vertical distance of a building, measured from the average elevation of the finished grade at the front of the building to the highest point of the building.

Building line: The line which represents the distance a building must be set back from the boundary line of a lot, measured at the foundation of the building.

Camping area: Temporary site used for recreational purposes; may not be inhabited for more than thirty (30) consecutive days or sixty (60) days per annum.

Cemetery: Land either already reserved for burial plots for the deceased, or which may, in the future, be so reserved; it may be maintained either by a family, a church, or other place of worship, or a private corporation.

Center line, street: That line surveyed and monumented by the governing authority as the center line of a street, or if such a center line has not been surveyed, it is the line running midway between the outside curbs or ditches of the street.

Clinic: An establishment where medical or dental patients are admitted for examination and treatment, but where there is no overnight lodging.

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

Construction and demolition (C&D) landfill: A facility accepting waste building materials and rubble resulting from construction, remodeling, repair, or demolition operations on pavements, houses, commercial buildings, and other structures. Such waste includes, but is not limited to, waste containing asbestos, wood, bricks, metal, concrete, wallboard, paper, cardboard, and other nonputrescible wastes associated with construction and demolition activities which have a low potential for ground-water contamination.

Curb-cut: The point at which vehicular access is provided to an adjoining street from a lot.

Density: The number of dwelling units per acre of land used for residential purposes. Unless otherwise stated, density figures are to be in terms of net acres, or the land devoted to residential use exclusive of streets or other public lands.

Developer: Any individual, firm, association, syndicate, co-partnership, corporation, trust, or other legal entity having sufficient proprietary interest in the land sought to be developed to commence and maintain proceedings to develop the same under these regulations.

Easement: The right or privilege of using another's property, for purposes such as constructing and maintaining sanitary sewers, water mains, electric lines, telephone lines, storm sewers, gas lines, bicycle paths, pedestrian ways, and other purposes.

Elevation, front: The view of a building or group of buildings as seen from directly in front of the structure.

Equine animal: A domesticated horse, mule, or donkey.

Family: One (1) or more persons related by blood, marriage, or adoption, including up to three (3) additional unrelated individuals, occupying a dwelling unit. A family may also consist of no more than four (4) unrelated individuals.

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Farm: Any tract or parcel of land containing FIVE (5) or more acres which is devoted to the raising of agricultural products, including, but not limited to, soil crops, livestock, fish, fowl, and commercial timber regardless of the quantity or value of production.

Farm animals: Animals commonly used for transportation, food, skins, and other by-products. Farm animals include, but are not limited to, horses, cattle, pigs, sheep, goats, mules, donkeys, miniature donkeys, camels, emus, ostrich, llamas, alpacas, rabbits, mink, fox, buffalo, chickens, turkeys, quail, pheasants, and other animals or fowl of similar characteristics.

Flood boundary: That area threatened by possible flood under normal to severe circumstance; determined as shown on the flood insurance rate map (FIRM), published by the Federal Emergency Management Agency (FEMA), 2009.

Floor area: The area of a dwelling exclusive of attic, basement, garage, carport, patios, and open porches measured from the exterior face of the exterior walls of a dwelling. Also, the gross leasable floor area for any business or industry based on interior dimensions.

Garage, public: Any garage, other than a private garage, which is used for storage, minor repair, rental, servicing, washing, adjusting, or equipping of automobiles or other motor vehicles, but not including the storage of wrecked or junked vehicles.

Garage, repair: A public garage intended to be used to make major commercial automobile, motorcycle, lawn mower, or other motor vehicle repairs; such a use should meet the following development standards as well as all other applicable regulations:

- (1) All body work and painting must be conducted within a fully enclosed building.
- (2) No open storage of junk, wrecked vehicles, dismantled parts, or supplies visible beyond the premises is permitted.

Garage or carport, private: A covered space for the storage of one (1) or more motor vehicles belonging to the occupants of the principal use on the lot. No business occupation or service may be conducted for profit within the private garage except a home occupation under conditions specified in section 202. A carport is open on three (3) or more sides.

Home occupation: An occupation for gain or support conducted primarily by members of a family residing on the premises. Home occupations can offer professional services, crafts, specialty trades, and internet sales. A Lamar County Occupational Tax Permit is required. The following required development standards must be met by all home occupations:

- (1) The home occupation must be clearly incidental to the residential use of the dwelling and must not change the essentially residential character of the building.
- (2) No display of products may visible from the street. One small sign, no larger than 24” by 24”, is allowed to be placed at the driveway.
- (3) No more than 25% of the home may be used for business purposes.
- (4) No internal or external alterations inconsistent with the residential use of the building is permitted.
- (5) Only 1 accessory building may be used in connection with the home occupation: this is allowed in AR only
- (6) No more than 3 non resident employees allowed.
- (7) Vehicle repair is not allowed.
- (8) Single axle company vehicles, either singular or a combination of vehicle and trailer, under 10,000 lbs gross weight are allowed in all zoning designations.

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(9) For home occupations that serve as base of operations for labor and service type businesses such as landscapers, land grading, and dump trucks, the following rules apply in AR:

- (a) For properties less than 5 acres, only 1 piece of heavy equipment and the vehicle to transport it is allowed
- (b) For properties 5 acres to 15 acres, up to 3 pieces of heavy equipment and the vehicles required to transport it is allowed.
- (c) For properties 15 acres to 25 acres, no more than 6 pieces of heavy equipment and the vehicles required to transport it is allowed.
- (d) For properties over 25 acres, no more than 12 pieces of heavy equipment and the vehicles required to transport it is allowed.
- (e) All vehicles and equipment must be set back at least 150' from all property lines and screened with a landscaped buffer.
- (f) The County may require a yearly bond in an amount not to exceed \$5000 to use in case of any damage to county roads caused by heavy equipment.

***removed the condition of "No fueling stations"

Hotel: A building in which overnight accommodations are provided to the public. The term "hotel" includes the terms "motel" and "tourist court."

Incinerator: A furnace for destruction of solid waste by controlled flame combustion. An incinerator must be capable of reducing solid waste to ash.

Industrialized building: Any structure or component thereof, which is, wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation 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 O.C.G.A. tit. 8, ch. 2, art. 2, pt. 1 as amended.

Inert waste landfill: A facility of more than one (1) acre accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves. This definition excludes industrial and demolition waste not specifically listed above. This definition also excludes any site created by a person disposing of organic inert waste (e.g. stumps and other vegetative debris) originating from their own property onto land and facilities owned by him.

Institution: A nonprofit corporation, establishment, or entity; for public or semi-public use.

Intermediate care home: A facility which admits residents on medical referral. It maintains the services and facilities for institutional care and has a satisfactory agreement with a physician and dentist who will provide continuing supervision including emergencies. It otherwise complies with the rules and regulations contained in Chapter 290-5-9: Intermediate Care Homes (Rules of the Georgia Department of Human Services).

Junkyard: Any use involving the parking, storage or disassembly of junked vehicles, or wrecked or non-operable automobiles, trucks, or other vehicles; storage, baling, or otherwise dealing in bones, animal hides, scrap iron and other metals, used paper, used cloth, used plumbing fixtures, old stoves, old

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refrigerators, and other old household appliances, and used brick, wood, or other building materials. These uses are considered junkyards whether or not all or parts of these operations are conducted inside a building or in connection with, in addition to, or accessory to other uses of the premises.

Junked vehicle: Any wrecked or non-operable automobile, truck, or other vehicle which does not bear a current license plate, and for which the current year's taxes have not been paid.

Kennel: The housing for four (4) or more dogs, cats, or other domestic animals for the purpose of providing an income or revenue. This includes breeders, trainers, and the fostering of rescue animals.

Lot: A parcel of land occupied or capable of being occupied by one (1) or more buildings and customarily incidental accessory buildings or uses, including such open spaces as are required by these regulations.

Lot, corner: A lot located at the intersection of two (2) or more streets.

Lot, double frontage: A lot, other than a corner lot, which has frontage on more than one (1) street.

Lot width: The distance between side lot lines measured at the front building line. If a corner lot, the distance between lot lines measured along the front building line which parallels or more nearly parallels the rear lot line.

Low impact development: Development practices that attempt to unite site planning, land development, and stormwater management with ecosystem protection; a comprehensive development and design technique that strives to preserve pre-development hydrology and water quality through a series of small-scale, distributed structural and non-structural controls.

Materials recovery facility: A solid waste handling facility that provides for the extraction from solid waste of recovered materials.

Municipal solid waste landfill: A disposal facility where any amount of municipal solid waste, whether or not mixed with or including commercial waste, industrial waste, non-hazardous sludge, or small quantity generator hazardous wastes, is disposed of by means of placing an approved cover thereon.

Nursing home: A facility which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision. It maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has a satisfactory agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the home. It otherwise complies with the rules and regulations contained in Chapter 290-5-8: Nursing Homes (Rules of the Georgia Department of Human Services).

Official map: The map entitled "The Official Zoning Map of Lamar County, Georgia," indicating the locations of zoning district boundaries in Lamar County.

Parking space: The storage space for one (1) motor vehicle. (See Standard Building Code of IBC for dimension standards required of standard parking spaces and those accessible to handicapped persons.)

Personal care home: Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one (1) or more personal services for two (2) or more adults who are not related to the owner or administrator by blood or marriage. It otherwise complies with the rules and regulations contained in Chapter 111-8-62: Personal Care Homes. (Rules of the Georgia Department of Community Health.)

Planning commission: The Lamar County Planning Commission.

Plat: A map, plan, or layout of a county, city, town, section, or subdivision indicating the location and boundaries of properties.

Pole barn: A covered farm structure supported by poles and open on three (3) or more sides.

Recovered materials processing facility: A facility engaged solely in the storage, processing, and resale or reuse of recovered materials. Such term shall not include a solid waste handling facility; provided however, any solid waste generated by such facility shall be subject to all applicable laws and regulations

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relating to such solid waste. A recovered materials processing facility may also be referred to as a "recycling center."

Recovered materials: Those materials which have known use, reuse or recycling potential; can be feasibly used, reused, or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse or recycling, whether or not requiring subsequent separation and processing.

Right-of-way: A strip of land designed, reserved, dedicated, or purchased for the purpose of pedestrian or vehicular access or utility line installation.

Sanitary landfill: An area of land in which solid waste is placed for permanent disposal. The term sanitary landfill shall be interpreted to include inert waste landfills, municipal solid waste landfills, and construction and demolition (C&D) landfills.

Solid waste: Any garbage or refuse; sludge from a wastewater treatment plant, or air pollution control facility; and other discarded material including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining and agricultural operation and from community activities, but does not include recovered materials; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. 1342; or source, special nuclear or byproduct material as defined by the Federal Atomic Energy Act of 1954, as amended (68 Stat. 923); or hazardous materials as defined under 40 C.F.R. 261.3. The term "solid waste" shall be interpreted to include bulky waste, commercial waste, construction debris, domestic waste and yard waste.

Solid waste handling facility: Any facility, the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste. This term includes the terms inert waste landfill, municipal solid waste landfill, materials recovery facility, construction and demolition (C&D) landfill, incinerator and transfer station, each as defined in this section.

Story: That portion of a building, not including a basement, between the surface of any floor and the surface of the floor next above it, or if there is no floor above, then the space between the floor and the ceiling next above it.

Street/road, arterial: A road which is on the Georgia state highway system and is designated by a state route number. Such a street primarily serves the purpose of moving traffic through the county. Connecting roads and access to adjacent property should be kept to a minimum on an arterial road, as these interfere with traffic flow, adversely affecting the capacity and safety of the road.

Street/road, collector: A road which is not on the Georgia state highway system. Such a road would usually serve to distribute traffic from individual lots to arterial streets/roads. They may also connect neighborhoods with one another.

Street/road, local: A road which serves adjacent property by providing access to the road network. A local street/road is characterized by short trips, low speeds, and small traffic volumes. The design of this type of road should be toward eliminating through-traffic.

Structure: Anything constructed or erected that requires a fixed location on the ground or which is attached to something having a fixed location on the ground. Structures include, but are not limited to the following: Site-built buildings, industrialized buildings, manufactured homes, mobile homes, billboards, swimming pools, advertising signs, satellite dishes, and fallout shelters.

Subdivider: Any individual, firm, association, syndicate, co-partnership, corporation, trust, or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

Subdivision: The division of a lot of record at the time of enactment of these regulations into three (3) or more lots, building sites, or other divisions for the purpose — whether immediate or future — of sale, legacy, or building development. This definition includes all of the following:

- (1) All divisions of land involving a new street.
- (2) All divisions of land involving a change in existing streets.
- (3) Any re-subdivision of land.

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- (4) The process of subdividing.
- (5) Any land or area subdivided.

Transfer station: A facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal facility or processing operation.

Use: Any purpose for which a building or tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building, structure or on a tract of land.

Use, accessory: A use or structure customarily incidental and subordinate to the principal use or structure, and located on the same lot as the principal use or structure.

Use, conditional: A use which is permitted in a particular zoning district, but only under certain specified conditions.

Use, non-conforming: Use of land and/or buildings that does not conform to the regulations and standards of the district in which it is located, which lawfully existed at the time of adoption of these regulations and is allowed to continue under the provisions for non-conforming uses (see section 403).

Use, principal: The main purpose for which a lot is intended and for which it is used.

Variance: A permit issued by the board of appeals which allows use of a parcel of land in a way that does not meet certain requirements for the district in which the property is located. (See section 407 for further details.)

Yard: A required open space on a lot that is left unoccupied with structures and facilities, except as permitted in these regulations. A yard may also be known as a setback.

Yard, front: The open space on a lot located between the center line of the right-of-way boundary of the abutting street(s) and the front building line projected to the side lot lines.

Yard, rear: The open space between the rear property line and the rear building line projected to the side lot lines.

Yard, side: The open space between the side property line and the side building line extending from the rear line of the front yard to the front line of the rear yard.

Yard/garage sale: A sale of used items from a residential (non-commercial) address set up in a yard or garage. Sales of this type are permitted no more than once per calendar quarter per address.

Zoning district: One (1) or more sections of Lamar County, Georgia as delineated and designated on the official map, within which the zoning regulations are uniform.