

Chapter 18

PLANNING AND ZONING

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ARTICLE I. TITLE AND OBJECTIVES

Section 18.1 TITLE AND OBJECTIVES.

This Ordinance shall be known as the “Zoning Ordinance of Randolph County, Georgia,” for the purpose of setting forth standards and permissible uses designated to conserve and protect the natural, economic, and scenic resources of Randolph County; to secure safety from fire, panic, and other dangers; to promote health, aesthetics, convenience, order, prosperity and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to promote desirable living conditions and stability of neighborhoods; to facilitate the adequate provision of transportation, water, public and private sewerage, schools, parks, and other public requirements by regulating the uses of the land. This Ordinance shall be known and may be cited as the “Zoning Ordinance of Randolph County, Georgia.”

Sections 18.2 - 18.5 RESERVED.

ARTICLE II. LEGISLATIVE AUTHORITY

Section 18.6

LEGISLATIVE AUTHORITY.

Whereas, counties of the State of Georgia are authorized by the 1983 Georgia State Constitution, Article 9, Section 2, Paragraph 4, and Chapter 66 of Title 36 of the Official Code of Georgia Annotated, to exercise the powers of planning and zoning; and whereas it has been determined by the Board of Commissioners of Randolph County, Georgia that it is necessary and desirable to adopt zoning regulations under the authority of the above cited Constitutional and statutory provisions.

Sections 18.7 - 18.10

RESERVED.

ARTICLE III. METHOD OF REGULATION

Section 18.11 **METHOD OF REGULATION.**

The Board of Commissioners of Randolph County, Georgia as authorized by the laws of the State of Georgia does hereby adopt zoning regulations for the following purposes: to define certain words used therein; to create zone boundaries; to regulate the location of trades, professions, businesses, and industries; to regulate the density in distribution of population; to provide for the gradual elimination of nonconforming uses of land, buildings, and structures; to provide for the imposition of penalties for violations; repeal conflicting ordinances and resolutions; and for other purposes.

Sections 18.12 - 18.15 **RESERVED.**

ARTICLE IV. JURISDICTION

Section 18.16 JURISDICTION

This Ordinance shall govern the use of all land development therein and within the unincorporated limits of Randolph County, Georgia in accordance with 36-70-2 of the Official Code of Georgia Annotated.

Sections 18.17 - 18.20 RESERVED.

ARTICLE V. WORD USAGE AND DEFINITIONS OF TERMS

Section 18.21

WORD USAGE AND DEFINITION OF TERMS

1. Word Usage

For the purpose of this Ordinance, certain words or terms used herein are interpreted as follows:

- (a) Words used in the present tense include the future tense. Words used in the singular include the plural, and words in the plural include the singular.
- (b) The word “shall” is always mandatory.
- (c) The word “person” includes a firm, association, organization, trust company, or corporation as well as an individual.
- (d) The word “lot” includes the words “plot” or “parcel.”
- (e) The word “building” includes the word “structure.”
- (f) The word “used” or “occupied,” as applied to any land or buildings, shall be construed to include the words “intended,” “arranged,” or “designed to be used or occupied.”
- (g) The word “map” or “zoning map” means the “official zoning map of Randolph County.”
- (h) The words “governing body” refer to the Randolph County Board of Commissioners.

Section 18.22

DEFINITIONS.

When used in the Ordinance, the following terms shall have the meanings herein ascribed to them in this Section. Terms not herein defined shall have their customary dictionary definitions where not inconsistent with the context.

Accessory Building or Use. A subordinate building or use customarily incidental to and located on the same lot with the main building or use, such as a garage, workshop and the like. An accessory use shall not include any used injurious or offensive to the neighborhood.

Agriculture or Agricultural. The bona fide use of a parcel of land of five acres or more for the cultivation of land, raising of poultry or livestock or similar agrarian activity (to include tree

farm(s) for gain or profit and the related buildings, structures, and appurtenances necessary to carry out the aforementioned activities.

Airfield. Any area of land or water utilized for the landing and taking off of aircraft.

Airport. Any area of land or water designed and set aside for the landing and taking off of aircraft and utilized or to be utilized in the public interest for such purposes. An airport shall include all runways, terminal buildings, hangers, and related facilities located on the airport premises.

Alley. A private or public thoroughfare which affords only a secondary means of access to a building or property and not intended for general traffic circulation.

Alternative tower structure: means clock towers, bell towers, church steeples, light/power poles, electric transmission towers, manmade trees (without accessory buildings/structure), and similar natural or manmade alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Apartment Building. A multi-family dwelling located on a parcel of land under a single ownership designed for use by four or more housekeeping units living independently of each other and doing their own cooking on the premises.

Aquifer. Any stratum (rock layer) or zone of rock beneath the surface of the earth capable of containing or producing water from a dug well.

Automobile Sales Lot. An open premise arranged, designed, or used for storage and display for sale of any motor vehicle or any type of trailer.

Bed and Breakfast. A dwelling unit in which room(s) or lodging unit (or units) and “continental” breakfast service only is provided to guest clients, for lengths of stay ranging from one night to seasonal, by owner of the principal structure.

Boarding House. A dwelling in which lodging and meals are furnished for consideration for four or more but not exceeding nine guests. Such dwelling shall contain no more than five guest rooms.

Building. Any structure, either temporary or permanent, above or below ground, having a roof or other covering and designed, built, or used as a shelter or enclosure for persons, animals, or property of any kind including tents or awnings used for purposes of a building.

Building Line. A line beyond which the foundation wall and/or any roofed porch, vestibule or other such portion of a building shall not project.

Building Principal. A building in which is conducted the principal use of the lot in which

the structure is situated.

Buffer. A buffer is a strip of land which separates two (2) or more zoning districts by the use of shrubs and trees which will form an opaque barrier of a prescribed width and be at least six (6) feet in height within three (3) years of planting.

Care Home. A rest home, nursing home, convalescent home, home for the aged or similar use established and operated on a profit or non-profit basis to provide lodging and/or meals and/or care for the aged, infirm, chronically ill or convalescent persons. The term "care home" shall include the term "extended care facility" as defined by Georgia Law.

Caretaker of Employee Residence. An accessory residence (including mobile homes) placed on an occupied tract for use by a bona fide caretaker, employee or the owner himself.

Church, Club or Lodge. Building in which organized religious, fraternal, social or educational meetings are conducted on a regular non-profit basis. Fraternal organizations must show that they have received recognition and sanction from a parent group or organization. A private club must show that its membership is limited by either: a) the use and operation of an amateur athletic facility including but not limited to golf courses, tennis courts, shooting ranges and/or swimming pools; or b) residence in a particular subdivision, condominium, apartment project or other residential development.

Collation. The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

Commercial Outdoor Recreation Development (CORD). A development of at least five (5) acres or more that is a commercial enterprise that encompasses active and/or passive outdoor recreational activities. A CORD district may be located in any zoning district with prior approval by the Randolph County Board of Commissioners.

Comprehensive Plan. A composite of the joint Randolph County/ Cities of Cuthbert and Shellman Comprehensive Plan, all accompanying maps, charts explanatory materials, together with all amendments thereto, adopted by the Randolph County Planning Committee and the Randolph County Board of Commissioners, as well as each municipal government.

Conditional Use. Is a use which is not automatically permitted inherently but which may be permitted within a zoning district subject to meeting specific conditions contained in this regulation or required by the Randolph County Board of Commissioners. Public Notification procedures described in Section 16.2 shall be followed for all conditional use permits except for those conditional uses listed in Section 8.2 hereof.

Condominium. A building or complex of multiple-unit dwellings in which a tenant hold full title to his unit and joint ownership in common grounds.

Day Care Center. An establishment which provided care and education for six or more children from infancy, opened for the major portion of the day or night and in which meals are served.

District. Any section or sections of the county for which the regulations governing the use of land and the use, density, bulk, height, and coverage of buildings and other structures are uniform.

Drive-In. A retail or service enterprise wherein service is provided to the consumer on the outside and/or inside of the principal building. The term "drive-in" includes drive-in restaurants and dairy bars, theaters, banks, laundries, food stores and/or car washes.

Duplex. Two (2) dwelling units, each of which is attached side to side, each one (1) sharing only one (1) common wall with the other; also referred to as duplex when placed on a single lot or a townhouse when each is on a lot.

Dwelling Unit. A building or portion thereof arranged or designed for occupancy by not more than one family for living purposes and having cooking, sleeping and sanitary facilities.

Dwelling, Attached. Three (3) or more adjoining dwelling units, each of which is separated from the others by one (1) or more unpierced walls from ground to roof; also referred to as a townhouse.

Dwelling, Multi-Family. A dwelling unit contained in a building composed of three (3) or more dwelling units. Also referred to as an apartment.

Dwelling, Single Family Detached. A dwelling designed for and occupied by not more than one (1) family and having no roof, wall, or floor in common with any other dwelling unit.

Easement. A grant to a person or to the public by a property owner of a strip of his/her land for road right-of-way or other specified purposes.

Equestrian Center. A tract of land of twenty-five (25) acres or more on which more than four adult horses are kept for the purpose of training, boarding, sale or breeding or where instruction pertaining to the same is given for a fee. For the purposes of this ordinance this term also includes facilities for riding trails and rings, shows, competitive equestrian events and riding lessons.

Family. One (1) or more persons permanently occupying a single dwelling unit provided that unless all members are related by blood, marriage, or adoption, and including foster children (as that term is defined under Georgia Law) no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises or in an accessory building.

Farm. A parcel of land twenty-five (25) acres or more on which bona fide agricultural and

related uses are conducted as specified in “agricultural.”

Flea Market. A building or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which is intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, hand-crafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

Floating Zone. A zoning technique under which the county adopts a zoning district in the text of the zoning ordinance but is not placed on the official zoning map. The county reserves the mapping decision until developer makes an application to have the floating zone applied to his property. Each floating zone will have density and site development standards.

Floodplain. Floodplains may be either riverine or inland depressional areas. Riverine floodplains are those areas contiguous with a lake, stream or stream bed whose elevation is greater than the normal flowing water or waterpool elevation but equal to or lower than the 100-year (one (1) percent annual probability) flood elevation. Inland depressional floodplains are floodplains not associated with a stream system but which are low points to which surrounding lands drain.

Garage, Repair. Building and premises designed or used for the purpose of service and/or major commercial repair of motor vehicles provided that the body work and painting shall be conducted within fully enclosed buildings and provided further that the storage of junk, wrecked vehicles, dismantled parts or supplies shall not be visible beyond the premises.

Garage Sale (includes yard sale; rummage sale). The sale or offering for sale to the general public of over five items of personal property on any portion of a lot in a residential zoning district, whether within or outside any building. Sales of programs and food and beverage items at school athletic events shall not be deemed to constitute a garage sale.

Glare: The effects produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.”

Groundwater Recharge Area. The land area where the water that eventually seeps down into an aquifer first enters the ground as mapped on the Most Significant Groundwater Recharge Area of Georgia and the Georgia Pollution Susceptibility Map.

Group Home. A dwelling unit which is used to provide assisted community living for persons with physical, mental, emotional, familiar or social difficulties. A group home must comply with all state and federal regulations applying to such facilities.

Governmental Landfills and/or Governmental Waste Disposal Facilities. Any landfill or other type waste disposal facility to include, but not be limited to, an incinerator, which is owned or operated by any county, municipality, or other governmental agency, entity, or authority not located within the corporate limits of Randolph County, Georgia.

Hazardous Waste. Any waste product listed, characterized or designated as hazardous by the United States Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act, 42 USC 6901, et seq., and its implementing regulations, or the Georgia Hazardous Waste Management Act, O. C. G.A. § 12-8-60, et seq., and the regulations promulgated thereunder, as the foregoing currently exist or are hereafter amended.

Hazardous Waste Disposal Facility. All structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste, including all operations or storage areas, diked overflow, or emergency spillway areas. A hazardous waste disposal facility may consist of several treatment, storage, or disposal operational units; it includes all areas where hazardous waste may be received, stored, handled, or processed.

Height: when referring to a tower or other structure, means the distance measured from ground level to the highest point on the tower structure or appurtenance.

Home Occupation. An occupation or profession conducted entirely within a dwelling and which is carried on by an occupant thereof and no more than three nonresidents, and which is clearly incidental and secondary to the use of the dwelling for residential dwelling purposes. There is no access by the public. A Home Occupation is designed to be less restrictive than a Home Office but more restrictive than a Residential Business in regard to access by the public, size, visibility, number of employees and types of business.

Home Office. An office use conducted entirely within a dwelling which is carried on by the occupant thereof and no other individual, and which is clearly incidental and secondary to the use of the dwelling for residential dwelling purposes. The office may be for the purpose of service or trade workers who customarily work at various locations, such as electricians, plumbers, appraisers, real estate salespersons or individuals who work at home, such as writers or computer programmers. There will be no changes which would alter the character of the dwelling or reveal from the exterior that the dwelling is being used in part for other than residential purposes. The office will be restricted to no more than two rooms of the dwelling and cannot exceed more than six hundred square feet in area. Such office uses shall be limited to routine office clerical or bookkeeping procedures which can be conducted within a residence. Home Office shall not include any business which involves the sale, manufacture or repair or merchandise on the premises. Home Offices shall also include any business requiring access by the public including but not limited to customers, clients or vendors. No outside storage or display including signs is permitted and no one other than family members who reside on the premises may be employed in the office.

Hospitals. Any institution receiving in-patients and rendering medical care including those wherein mentally retarded, mentally disturbed, epileptic, alcoholic, drug addicted, chronically ill and physically handicapped patients are treated or cared for.

Hotel. Any building containing principally sleeping rooms in which transient guest are lodged with or without meals, with no provision made for cooking in any individual room or suite.

For structural and safety purposes, such buildings must conform to state laws regulating hotels.

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 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, and bearing the approved insignia of the Commissioner of Community Affairs, Georgia Department of Community Affairs.

Industrial Park. A tract of land subdivided and developed according to a Comprehensive Plan in a manner that provides a park-like setting for industrial establishments.

Junkyard. The use of any space whether inside or outside a building for the storage, keeping, salvage and/or sale of junk, scrap metals or other scrap materials including dismantling, demolition or abandonment of one or more automobiles or other vehicles or machinery or parts thereof.

kennel. Commercial. Any place in or at which more than four adult dogs (or cats) are kept for the purpose of sale, boarding, care, breeding or training and for which any fee is charged.

Laboratory. An establishment or premises where scientific services are provided including testing or analysis of medical, chemical, physical, mechanical, electric or electronic nature or the calibration of instruments.

Land Application Waste Disposal Facilities. Any facility at which pollutants are applied to the surface or beneath the surface of a parcel of land and which creates the opportunity for such pollutants to percolate, infiltrate, or be absorbed into soil and/or into the waters of Randolph County, Georgia.

Lattice tower: A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.

Lot. A portion of a subdivision or any other parcel of land intended as a unit for transfer or ownership or lease to, or separate use of, another, or for development. The word "lot" includes, but is not limited to, the words "plot" or "parcel."

Lot Area. The horizontal area contained within the boundary lines of a lot.

Lot Corner. A lot abutting two or more streets at their intersection.

Lot Depth. The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

Lot. Double Frontage. A lot, other than a corner lot, which has frontage on more than one

street.

Lot Frontage. Lot width measured at the street lot lines(s), being the length of the property line of any one premise along each legally accessible public right-of-way it borders.

Lot Line. A line bounding a lot which divides one lot from another or from a Street or any other public or private space.

Lot Line, Front. That lot line along which the lot takes primary access to a street.

Lot Line, Rear. That lot line which is parallel to and most distant from the front lot line of a lot or, in the case of an irregular lot, a twenty (20) feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the front lot line.

Lot Line, Side. Any lot line other than a front or rear lot line.

Lot of Record. Any validly recorded lot which at the time of its recordation complied with all applicable laws, ordinance and regulations.

Lot Width. The mean horizontal distance between the side lot lines measured parallel to the front and rear lot lines at the building line. In the case of only one side lot line, lot width shall be measured between such lot line and the opposite lot line or future right-of-way line.

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems contained therein. Manufactured Homes are constructed to the federal Manufacture Home Construction Housing Construction and Safety Standards Act of 1974 as amended, 42 USC 5401, et seq.

Mobile Home. A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained therein and manufactured prior to June 15, 1976.

Modular Home. A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential purposes and which bears a seal of compliance with regulations of the Southern Building Code Congress International, the Georgia Industrial Building Act, or the National Manufactured Housing Construction and Safety Standards Act, as amended.

Monopole: A support structure constructed of a single, self-supporting hollow metal tube

securely anchored to a foundation.

Motel. A building or group of buildings containing guest rooms and having a separate outside entrances for each guest room. To be used primarily for automobile transients and including such terms as “auto court” and “motor lodge” but not “boarding house” as defined in this section.

Nonconforming Use. Any building, structure or use of land which lawfully exists at the time of adoption of this resolution and which does not conform to the regulations of the zoning district in which it is located.

Occupy. To use land or buildings for any length or time for a purpose for which the land or a building or part thereof is used or is intended to be used. Any variation of the term “occupy” shall be encompassed by this definition.

Open Space: Land devoted to conservation or recreational purposes and/or land designated by a municipality to remain undeveloped (may be specified on a zoning map).

Park, Community. A parcel of land owned by a unit of government or a private organization used or intended to be used for recreational or leisure time activities. Such parks may include food and/or recreational sales and accessory uses.

Photovoltaic (PV) System: A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells, that generate electricity whenever light strikes them. Included in a PV system are the solar energy generation mechanisms (e.g., panels or other assemblies of solar electric cells), inverters (devices that convert Direct Current electricity produced by the system to usable Alternating Current), batteries and battery systems that store electrical energy from the PV system for future use, meters, and electric transmission wires and conduits that facilitate connections with users and/or the local power grid.

Planned Unit Development (PUD). A large, unified development of ten acres or more adhering to a comprehensive development plan and located on a single tract of land, or on two or more tracts of land which may be separated only by a street or other right-of-way, whose approval would serve to implement the plans of Randolph County (see Section 8.5 Planned Unit Development for other requirements).

Plat. A sketch, map or survey of a lot, tract or parcel of land including lot lines, street rights-of-way and easements with the dimensions of these features inscribed thereon.

Plat Development. A preliminary design which shows the proposed layout of a subdivision in sufficient detail to indicate its workability and conformation to the design requirements of the subdivision regulations in all aspects but is not final in form for recording and the details are not completely computed. The development plat shall be approved by the planning commission prior to any development.

Plat. Final. A finished drawing of a subdivision showing completely and accurately all legal and engineering information and certification necessary. The streets shown on the plat shall be approved by the Board of Commissioners of Randolph County prior to any development.

Pollution Susceptibility. The relative vulnerability of groundwater to pollution from chemical spills, leaching of pollutants from dump sites, animal waste from agricultural operations or pollution generated by other human activities.

Pollution Susceptibility Map(s). Maps prepared by the Georgia Department of Natural Resources (DNR) that show the relative susceptibility of groundwater to pollution. Pollution susceptibility maps categorize the land areas of the State into areas of high, medium and low groundwater pollution potential.

Pre-existing towers and antennas: means structures as set forth in subsection 18-180 (c).

Private Landfill and/or Private Waste Disposal Facility. Any landfill or other type of waste disposal facility to include, but not limited to, an incinerator, which is owned or operated by any private entity.

Public Utility or Utilities. A service or services provided by a public utility company or a private entity which provides such service or services, and all equipment and structures necessary to provide such services.

Public Way. A street or road which has been dedicated for public use by deed, plat and/or prescription.

Residence. A building containing only dwelling units and which meets all the applicable requirements of the Standard Building Code for conventional construction. The term "residence" or any combination thereof shall not be deemed to include hotel, boarding house, rooming house, motel or other accommodations used for transient occupancy and shall not for the purpose of this ordinance include mobile home, manufactured home or modular home.

Restaurant. An establishment however designated at which food is sold for consumption on the premises. However, a snack bar or refreshment stand at a public or non-profit community swimming pool, playground, park or marina operated solely for the convenience of patrons of the facility shall not be deemed a restaurant.

Residential Business. An occupation or profession conducted within a dwelling, and which is carried on by an occupant thereof and no more than five nonresidents, and which is clearly incidental and secondary to the use of the dwelling for residential dwelling purposes. The business may require access by the public. The Residential Business is designed to be less restrictive than a Home Office or Home Occupation but more restrictive than a Rural Business in regard to access by the public, size visibility, number of employees and types of business.

Right-of-Way. Access over or across particularly described property for a specific purpose or purposes.

Right-of-Way Line. The outside boundary of a right-of-way, whether such right-of-way be established by usage, recorded easement, deed, dedication or by the official right-of-way map of Randolph County.

Road. See definition of “Street - Highway - Road.”

Rural Business. An occupation or profession conducted within a dwelling, an accessory structure or outside and which is carried on by a resident of that property and which is clearly incidental and secondary to use of the property for residential dwelling purposes. The rural business is designed to be less restrictive than the Home Office, Home Occupation or Residential Business in regard to access by the public, size, visibility, number of employees and types of business.

Scenic views: means those geographic areas containing visually significant or unique natural features, as identified in the county comprehensive plan.

Setback. The minimum horizontal distance between the right-of-way line, rear or side lines of the lot and the front, rear or side lines of the building. The term “required setback” means a line beyond which a building is not permitted to extend under the provisions of this resolution establishing minimum depth and widths of yard.

Sewage Sludge (Biosolids) Land Application and Disposal Facilities. Any tract of land or facility at which solid, semisolid, or liquid residue generated during the treatment of domestic sewage, industrial wastewater or a combination of domestic sewage and industrial wastewater is sprayed, deposited, spread, injected or applied upon or beneath the land’s surface, or otherwise applied to land. Sewage Sludge includes, but is not limited to, scum, or solids removed in primary, secondary or advanced wastewater treated processes conducted by any governmental or private wastewater treatment facility.

Shopping Center. A group of commercial establishments planned, developed and owned or managed as a unit with on-site parking and of similar architectural characteristics.

Sign, Off Premises. Any outdoor sign, notice or advertising device used to advertise, announce or promote a business, professional, commercial or industrial enterprise or undertaking which is located and which is operated at a site other than the premises upon which the sign is located. Such signs shall be permitted upon a standard sign and then only on zones in which such are allowed by this ordinance.

Sign, On-Premises. Any outdoor sign, notice, or advertising device used primarily to direct attention to a business, professional, commercial or industrial enterprise, or undertaking being

conducted upon the premises on which such sign is located. Such signs shall not exceed two hundred (200) square feet in area.

Sign, Public or Semi-public directional, off-premises. A sign which directs attention to a public or semi-public activity, such as a school, church, fraternal organization, or the like. Such signs shall not exceed ten (10) square feet in area.

Sign, Standard. A sign which does not exceed five feet in face height and is no more than ten feet in face width, supported by metal tubing posts of the type specified by the latest edition of the Standard Building Code or other approved material. Any such sign shall be constructed with twenty-gauge sheet metal, wood or plastic, painted on each side, the trim of which may be treated wood.

Significant Groundwater Recharge Areas. Areas mapped by DNR in Hydrologic Atlas 18 (1989 edition). Mapping of recharge areas is based on outcrop area, lithology (chemical nature and form of the rock), soil type and thickness, slope, density of lithologic contacts, geologic structure, presence of “karst” topography (sinkholes, caves and fissures associated with limestone and other carbonate rocks), and potentiometric surfaces.

Solar Array: A number of photovoltaic modules or panels that generate solar electricity, assembled or connected together to provide a single electrical output.

Solar Array, Tracking: A solar array that follows the path of the sun to optimize the amount of solar radiation received by the device. A tracking solar array may be ground mounted or building mounted.

Solar Access Easement: A recorded easement, the purpose of which is to secure the right to receive sunlight across real property of another for continued access to sunlight necessary to operate a solar energy system.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector or solar energy system.

Solar Energy Facility: The area of land devoted to solar energy system installation. A solar energy facility may include an interconnection with the local utility power grid for distribution to more than one property or consumer in the electricity market as a commercial venture. Includes the term “solar farm.”

Solar Energy System: The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The term applies, but is not limited to, photovoltaic (solar electric) systems and thermal solar energy systems.

Solar Energy System, Building Mounted: A solar energy system, which may include solar thermal panels, solar hot water system panels, and photovoltaic panels, which are mounted to a

building or structure, to provide energy primarily for on-site use. Building-mounted solar panels may be flush-mounted (i.e., flush to the surface of a building roof or building façade in a manner that the panel cannot be angled or raised), or as one or more modules fixed to frames which can be tilted or automatically adjusted at an optimal angle for sun exposure. A mounted solar energy system is accessory to the building or structure.

Solar Energy System, Ground Mounted: A solar energy system that is directly installed on mounted to) the ground and is not attached or affixed to any structure.

Solar Energy System, Thermal: A solar energy system that directly heats water or other liquid using sunlight, including the use of heated liquid for such purposes as space heating and cooling, domestic hot water, and heating pool water.

Solar Farm: A solar energy facility, typically with multiple solar arrays, designed and used for the purpose of generating electric energy via a photovoltaic system.

Solar Panel Field. An area or parcel of land containing one or more solar panels used to produce electricity commercially for the purpose

Steep Slopes. All land that has a slope of 20% or greater for at least 500 feet apart as shown on a United States Geologic Survey (USGS) Quadrangle Map.

Street. A public or dedicated thoroughfare or a private right-of-way or easement shown on a recorded plat of the Board of Commissioners of Randolph County.

Street, Connector. A street supplementary to the major state and U.S. highway systems running throughout the country and primarily a means of interconnectivity between this system and smaller areas.

Street, Cul-de-sac. A short street designed to have one end permanently closed. The closed end terminated by a vehicular turnaround.

Street, Dead-end. A street having no outlet at one end.

Street, Highway, Road. Shall mean a road or street that forms a part of the existing or projected Federal Aid Highway System or the State or County Highway System.

Street, Centerline. That line surveyed and monumented or accepted by Randolph County as the centerline of the street; or in the event no centerline has been so determined, that line running midway between and generally parallel to the direction of the outside right-of-way lines of the street.

Structure. Anything constructed or erected that requires location on the ground or attached to something having a location on the ground, to include, among other things, buildings, towers, monuments, statues; but not to include telephone and other utilities poles, overhead wires, retaining walls and terrace walls, wire fences, and any other thing less than three feet in height.

Subdivision. Division of a tract or parcel of land into five or more lots, building sites, tracts, parcels, or other divisions of land for the purpose, whether immediate or future, of sale, lease, rent, or building development, including all divisions of land involving a new street or a change in existing streets. The term "Subdivision" does not apply to the division of land into parcels of five (5) or more where no new street is involved. All subdivisions are to be divided and developed in accordance with the Subdivision Regulations of Randolph County, Georgia.

Telecommunication: The technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.

Townhouse. Residential structures containing three or more attached single-family units designed as a single structure having common or party walls. Each unit shall have its own front door which opens to the outdoors and the units shall have one or two floors but without access between adjoining units.

Travel Trailer. A vehicular portable structure not over eight feet by thirty-five feet and designed as a temporary dwelling for travel, recreational and vacation uses which may or may not have kitchen equipment, toilet, lavatory and bathing facilities, but if such facilities are included, a sewage holding tank for sanitary waste is required.

Travel Trailer Park. A parcel of land which has been planned and developed to accommodate two or more travel trailers, tents or other camping units for temporary occupancy of not over sixty days' duration. The definition of Travel Trailer Park shall include RV parks, campgrounds, campsites, and primitive campsites.

Tree. Any object of natural growth.

Use. The specific purpose for which land or building is designed, arranged, intended, or for which it is or may be occupied or maintained.

Use, Principal. The primary purpose for which a lot or building is designed, arranged, intended, occupied or maintained.

Use, Temporary. Any use established, for a fixed period of time, without construction or alteration of a permanent structure, with the intent to discontinue such use upon expiration of such time.

Variance. A modification of the strict terms of zoning regulation granted by the Board of Commissioners of Randolph County where such modification will not be contrary to the public interest, and where, owing to conditions unique to the individual property on which the variance is sought and not as a result of any action on the part of the property owner, a literal enforcement of this resolution would result in unnecessary and undue hardship provided, however, that no variance shall be granted which shall authorize a land use not otherwise permitted in a particular district.

Vehicle. Any device or contrivance for carrying or conveying persons or objects, said device being designed to be self-propelled by its own motor or power.

Water System, Community. A potable water supply and treatment system other than an individual public water system serving more than one building, residence or other facility designed or used for human occupancy or congregation. The system is one which is owned by a person or legal unit other than a unit of government.

Water System, Individual. A potable water system other than a community or public water system serving a single building, residence or other facility designed or used for human occupancy or congregation.

Water System, Public. A potable water supply and treatment system other than individual or community water systems owned by a unit of government.

Wetland. An area of one acre or more where standing water is retained for a portion of the year and unique vegetation had adapted to the area; as mapped by the U.S. Fish and Wildlife Service.

Wireless Communications. Wireless communications shall mean any personal wireless service as defined in the Telecommunications Act of 1966, which includes FCC licensed commercial wireless communications services (PCS), enhanced specialized mobile radio (ESMR) private mobile radio (PMR) paging, and similar services that currently exist or that may in the future be developed.

Wireless Communication Tower. A structure designed and constructed specifically to support an antenna array, and any include a monopole, self-supporting (lattice) tower, guy-wire support tower and other similar structures. Tower structures shall be designed to accommodate a minimum of three (3) antenna arrays.

Wireless telecommunications antenna: The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

Wireless telecommunications equipment shelter: The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

Wireless telecommunications facility: A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

Wireless telecommunications tower: A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures. This term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telecommunication towers, manmade trees (with accessory buildings/structures) and other similar structures.

Visual quality: means the appropriate design, arrangement and location of tower structures in relation to the built or natural environment to avoid abrupt or severe differences.

Yard. A required open space on the same lot with a principal building, and which is unoccupied, and unobstructed by buildings or structures from the ground to the sky, except where encroachments and accessory buildings are expressly permitted.

Yard, Front. The full width of the lot between the street right-of-way and the front building line.

Yard, Rear. The full width of the lot between the rear line of the lot and the rear building line.

Yard, Side. The space between the building and the side line of the lot exclusive of front and rear yard.

Zoning Condition. Any stipulation made by the county commission as a zoning decision affecting property which imposes a requirement on the use or development of property which is different from the use or development regulations set forth in the zoning district to which the property is being rezoned. By way of example, but not as a limitation, such zoning conditions may relate to the use, density, construction material, architectural style and design, location of structures and buffer area.

Zoning Decision. Final action by the Randolph County Board of Commissioners which result in

- a. the adoption of a zoning ordinance;
- b. the adoption of any amendment to a zoning ordinance which changes the text of the zoning ordinance;
- c. the adoption of an amendment to the zoning ordinance which rezones property from one zoning district to another; or
- d. the approval of a conditional use.

Zoning Official. The official or other designated authority charged by the Randolph County Board of Commissioner with administration and enforcement of this resolution or his duly appointed representative.

Sections 18.23 - 18.25

RESERVED.

ARTICLE VI. ESTABLISHMENT OF DISTRICTS.

Section 18.26

DISTRICT DESIGNATIONS.

Randolph County, Georgia is hereby divided into the following zoning district:

A-1	General Agriculture and Forestry District
R-R	Rural Residential
R-1	Residential
C-1	Commercial District
I-1	Industrial District

In addition, the following designations will be utilized as *floating zones*:

<i>CORD</i>	Commercial Outdoor Recreation District
<i>MHU-1</i>	Manufactured Housing Unit District - Parks
<i>PUD</i>	Planned Unit Development

Overlay Zones

Natural Resource Conservation
Wetland Protection
Groundwater Recharge Protection Area
River Corridor Protection Plan

Section 18.27

OFFICIAL ZONING MAP.

The boundaries of these districts are hereby established as shown in the map entitled "The Zoning Map of Randolph County, Georgia." Said map shall also be identified by the signature of the clerk and the Board of Commissioners and the date and adoption of this ordinance. The zoning map and all explanatory matters thereon are hereby adopted and made a part of this ordinance. Said documents are made a public record and shall be kept in the office of the County Commissioners.

Section 18.28

MAP AMENDMENTS.

In accordance with the provisions of this ordinance, changes may be made in the district boundaries or other information portrayed on the official zoning map by the official action of the Board of Commissioners. Such changes shall be made on the official zoning map promptly, together with a numerical entry on the official zoning map referring to the application and other records on file which state the date of the official action and description of the nature of the changes.

No changes of any nature shall be made to the official zoning map or matters shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change or

whatever kind by any person shall be considered a violation of this ordinance and is punishable as provided by law in this ordinance.

Section 18.29

INTERPRETATION OF DISTRICT BOUNDARIES.

Unless otherwise specified, district boundary lines shall be property or lot lines, the center lines of streets, or such lines extended, a line midway between the main tracks of the railroad, a line lying in the center of a stream or drainage way, or the county line of Randolph County, Georgia. Such lines drawn or to appear on these lines are to be considered thereon. Where district boundary line divides a lot which was in single ownership at the time of adoption of this Ordinance, the Board of Commissioners of Randolph County may permit, as a conditional use, the extension of the regulations for either portion of the lot to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

Section 18.30

CONFORMITY.

No building or land shall be used or occupied except in conformity with the provisions of this zoning ordinance herein specified for the district in which it is located from the date of the enactment of this ordinance. No owner or any lot located within this county shall subdivide said lot such that remaining lots would have an area less than that required under the applicable zoning district requirements. (See Section 11 – Non-Conformity)

Sections 18.31 - 18.35

RESERVED.

ARTICLE VII. ZONING CLASSIFICATIONS.

The following sections define the purpose and intent of the zoning districts established by this ordinance. Uses specified in this section are simply examples. Specific uses allowed in each district are defined in:

Section 18.36 A-1 GENERAL AGRICULTURE AND FORESTRY DISTRICT.

The agricultural district is established to maintain those areas with land characteristics, such as soil moisture, temperature, and content suitable for farming, dairying, forestry operations, and other agricultural activities; to protect land used or needed for food production and other agricultural uses from encroachment by untimely and unplanned residential, commercial, or industrial development; to permit the continuation of agricultural uses in areas where development is anticipated, but where the present application of zoning controls for future, more intensive uses would be unreasonable and premature; to prevent the subdivision of land for residential development that requires public services such as paved roads, water, and sanitary sewer; and to preserve the rural, open space character of certain areas.

No new A-1 Agriculture and Forestry District may be created which contains less than twenty-five (25) acres.

Section 18.37 R-R RURAL RESIDENTIAL DISTRICT.

The rural residential district is composed of open land areas and forest lands located on non-prime agricultural soils where a more intensive use of land is unlikely to occur in the near future. This district is intended to preserve lands best suited for large parcel residential uses and preserve land suited to the eventual economical and practical provisions of streets, utilities, schools, and other facilities in the development of the county.

Section 18.38 R-1 RESIDENTIAL DISTRICT.

The residential district is established for more concentrated medium-to-higher density residential areas of the county. These areas are intended to be geographically defined and protected from the encroachment of uses not performing a function necessary to a residential environment. Certain nonresidential uses that are more compatible with residential uses may be permitted on review of the Board of Commissioners of Randolph County .

Section 18.39 C-1 COMMERCIAL DISTRICT.

The commercial district is established to provide suitable areas for a broad range of retail, wholesale, and service uses. General compatibility with abutting different uses is required, this may be achieved through buffering, screening, and/or development plan review. Development in this district should be located on major thoroughfares (highways), arterial streets or collector streets and

the associated street network, the location and development of commercial activities shall be encouraged so as to minimize traffic hazards and interference with adjacent uses.

Section 18.40 **I-1 INDUSTRIAL DISTRICT.**

The industrial district is established to provide areas for the development of industrial and assembly plants and their related activities. It is also the intent of this district that noise, odor, dust, and glare associated with uses permitted in this district be confined as much as possible. It is also the intent of this district that traffic generated by uses permitted including raw materials, finished products, and employees be minimal but that transportation facilities and routes be easily accessible. Development in these districts should be served by sanitary sewer or have provision for on-site disposal.

No new I-1 Industrial Districts may be created which contains less than five (5) acres.

Section 18.41 **CORD COMMERCIAL OUTDOOR RECREATION DEVELOPMENT DISTRICT.**

This district is a floating zone. The CORD district is established to provide areas for commercial recreational facilities and activities. This does not include seasonal hunting rights between consenting parties. CORDs may be located in any district subject to approval by the Randolph County Board of Commissioners.

Section 18.42 **MHU-1 MANUFACTURED HOUSING UNIT DISTRICT - PARKS.**

The Manufactured Housing Unit District - Parks is established to provide areas within the county for the placement of manufactured housing units in parks which are designed for placement of manufactured housing units. The specific intent of this district is to require adequate space and facilities for healthful living conditions; to require all such districts to have access to a major arterial county road for easy accessibility; to insure suitable water and sewer facilities are provided according to health regulations and statutes of the State of Georgia and the county commission; and to encourage the development of manufactured home parks for long term residential use rather than transient travel trailer use.

Section 18.43 **PUD PLANNED UNIT DEVELOPMENT DISTRICT.**

Planned Unit Development District is a method of development which permits a tract of land to be developed as one lot, rather than separate lots. The technique is used to encourage coordinated development; to permit higher densities in conjunction with functional open space; to promote efficient use of existing natural landscape features and to be developed in compliance with and approved development plan.

Sections 18.44 - 18.45 **RESERVED.**

ARTICLE VIII. DISTRICT REGULATIONS

Section 18.46

USES PERMITTED.

No building or structure shall hereafter be erected and no existing building or structure or any part thereof shall be reconstructed or moved, nor shall any land, structure, or building be used or altered except in conformity with the regulations herein specified for the district in which it is located.

Section 18.47

CONDITIONAL USES PERMITTED IN ALL DISTRICTS WITH REVIEW.

There shall be permitted in all districts the following conditional uses only after site plan review by the Board of Commissioners of Randolph County, specifics for which include the submission of an overall development scheme stating the development intentions of the landowner, including but not limited to the following: a statement of location and intensity of proposed uses(s) and activity(ies), a physical description of proposed facilities accommodating such uses, and a general location of public utilities.

1. Public Buildings of a government nature, including libraries.
2. Public Utilities, not otherwise specified, including power and gas substations, communication systems and pumping stations.
3. Customary Home Occupations/Offices.
4. Semi-public buildings and uses, including private schools and churches.
5. Public and Private School Buildings and Associated Uses, Vocational Schools, Research and Training Facilities.
6. Public Recreational Facilities, including parks, playgrounds, stadiums, etc.
7. General Recreational Facilities, including parks, playgrounds, stadiums, etc.
8. Day Care Centers, Nurseries, and Kindergartens.

All other conditional uses which may be allowed for under Section 9 hereof must be approved by the Board of Commissioners in accordance with Section 16 hereof.

Section 18.48**DISTRICT REGULATIONS.**

The following pages contain specific regulations for each district including uses permitted, uses prohibited, required lot area, density limitations, setbacks, and height limitations. All lands,

buildings, and structures shall be developed in accordance with the zoning district regulations applicable to the zoning district in which such land, buildings, and structures are located. Any development of land not in accordance with that permitted under these ordinances shall be prohibited.

Zoning District Regulations**DISTRICTS**

AREA REQUIREMENTS	A-1	R-R	R-1	C-1	I-1
Minimum Lot Size	1.5 acres	1.5 acres	1.5 acres***	1 acre	5 acres
Minimum Lot Area per Dwelling Unit	1.5 acres	1.5 acres	1.5 acres***	N/A	N/A
Minimum Lot Width in Feet	150	150	150	75	100
Front Yard Setback (Feet)	75	50	50	20	75
Rear Yard Setback (Feet)	75	25	25	20**	75**
Side Yard Setback (Feet)	50	10	10	*	40*
Street Side Yard Setback (ft)					
MAJOR ROAD	50	40	40	20	75
MINOR ROAD	35	35	35	20	75
Maximum Building Area %	25%	25%	33%	50%	50%
Maximum Building Height (Feet)	120	35	35	35	35

* A side yard setback of 25 feet shall be required where a side yard abuts a residential district.

A minimum of 20 feet of setback shall be planted with a buffer strip of shrubs and trees.

** A minimum of 5 feet of required setback must be planted with a buffer strip where a rear yard abuts a residential district.

*** Minimum Lot requirements are as stated unless public utilities (water and/or sewer) are provided. In this case, minimum lot size and area shall be **3/4 acre**.

Sect on 18.49 **DETAILED REGULATIONS FOR MHU-1 PARK.**

Minimum Park Requirements:

Area: 3 acres and ten spaces available for immediate occupancy. 7,500 square feet of land area for each manufactured housing unit to be placed.

Yards: Front - 50 feet; rear and side 25 feet.

Height: Maximum one story or 15 feet.

Open Space: 15 square feet of park and recreation area per mobile home space.

Space Width: 40 feet minimum.

Space Front Yard: 10 feet minimum.

Space Side Yard: 20 feet between manufactured housing units.

Space Rear Yard: 25 feet minimum.

Parking: 20 spaces for each manufactured housing unit.

OTHER REQUIREMENTS:

1. Survey site plan required shall include the following: name and address of owner; vicinity map; with a minimum scale of 1" = 100'; north arrow; numbered lots; lot numbers; size of lots; street layout; trash container location(s); location of all utilities including sewage, unless originally approved with site plans, no accessory building or additions to manufactured housing units allowed.

2. Access roads within manufactured housing unit parks shall not be less than twenty (20) feet in width and shall be paved with a hard surface treatment.
3. There shall be established and maintained guest parking facilities at a ratio of one (1) space per three (3) manufactured housing unit spaces. If access roads are paved to a width of thirty-two (32) feet, guest off-street parking spaces shall not be required.
4. Each manufactured housing unit space shall be equipped with a pad ten (10) feet wide for a single-wide, twenty (20) feet wide for a double-wide by forty five (45) feet long of six (6) inches of compacted gravel or other similar material.
5. Each manufactured housing unit space shall be furnished with connections to water, sewer or septic (tank), and electricity utilities; and all will be approved by the appropriate department/agency.
6. Manufactured housing units may not be used for nonresidential use within the manufactured housing unit park except for the manufactured housing unit park office.
7. Standards for manufactured housing unit shall also apply to the latest edition of the Council of American Building Officials (CABO) One and Two Family Dwellings (Code).
8. No owner of a manufactured housing park shall allow a manufactured housing unit to locate or relocate within the park without a location placement permit from the county inspector's office and proof of tax paid.
9. An approved trash container(s), to be compatible with Randolph County's sanitation service, shall be furnished to each manufactured housing unit in the manufactured housing unit park. The owner of each manufactured housing unit shall be required to pay any solid waste collection fee imposed by Randolph County.
10. All owners/operators of said manufactured housing park shall be responsible for the upkeep of all drives (access roads) within the confines of said park; and the grounds shall be clear of all litter, trash, garbage, inoperable automobiles, trucks, etc. as well as maintaining grounds (cutting of grass, maintenance of other landscaping), and drainage to assure a clean, habitable and sanitary environment.
11. It shall be the responsibility of the owner/manager of said manufactured housing parks to not rent, lease, or otherwise convey the use of property within confined said manufactured housing park until proper permits have been issued by the Randolph County Building Official for said location. A registration shall be required to be kept on the premises of all lots rented, leased, or otherwise conveyed to include date, name, address, phone, lot number, size and model.

12. An evergreen buffer strip of at least twenty-five 25 feet in width and ten (10) feet in height shall be planted along the side and rear yards lines of the manufactured housing unit park.
13. Skirting: All manufacturing housing units shall have suitable skirting between the base of the unit and the ground. This skirting shall be made of either concrete block, brick, wood, or other materials intended for such use. Openings in the skirting shall not be more than two (2) inches square.
14. Access doors: All units shall have a minimum of an 18" x 24" latchable access door and required crawl space venting.
15. Anchors: All units shall be provided with anchors as required by the latest published edition of the CABO One and Two Family Dwelling Code.
16. Inspection: Any unit not purchased directly from a factory or purchased new from a dealer must be inspected for condition before it is moved into the county. All units must meet the standards contained in the Southern Building Code. Once a unit passes inspection and required fees are paid, the county inspector shall issue a permit.
17. Travel Trailers. Manufactured housing unit space shall not be used for the accommodation of travel trailers or recreational vehicles under any circumstances. The occupancy of travel trailers shall be prohibited except in Travel Trailer Parks approved pursuant to this ordinance.
18. Age of units. The manufactured housing unit to be placed must be certified under the U.S. Department of Housing and Urban Development and as applicable by the Georgia State Fire Marshall's Office and manufactured after June 15, 1976 prior to issuance of a permit.

Section 18.50

DETAILED REGULATIONS FOR TRAVEL TRAILER PARKS.

Travel Trailer Parks may be permitted as a conditional use in A-1 zoning districts and CORD zoning districts subject to approval by the Randolph County Board of Commissioners and in accordance with the following standards and criteria:

1. Submittal of a site plan showing, at minimum, the following: name and address of owner, vicinity map with minimum scale of 1" = 100'; proposed site improvements including streets, paved areas, parking areas, building areas, etc.; and proposed placement and type of any temporary structures.

2. An approved method of sewage disposal must be submitted; provided that the owner is not required to provide for sewage disposal if such owner requires each travel trailer to have a sewage holding tank for sanitary waste. If the owner requires each travel trailer to have a sewage holding tank for sewage disposal, the owner shall not allow the contents of the tanks to be dumped

or improperly disposed of in the Travel Trailer Park, and the owner shall be in violation of this ordinance if such dumping or improper disposal occurs. All sewage must be disposed of in an EPD permitted disposal facility.

3. Each Travel Trailer Park shall have electrical service hook-up and potable water hook-up; provided, however, Travel Trailer Parks designated for tents or primitive camping only are not required to provide these services.

4. Trash receptacles shall be provided in convenient locations for use by guests of the park and in such number and of such capacity that there is no uncovered accumulation of trash at any time. Randolph County solid waste collection fees must be paid by the owner of the Travel Trailer Park.

5. An address of the Travel Trailer Park must be obtained.

6. Accessory structures that may be included to serve the tenants of the Travel Trailer Park include:

- (a) a manager's office or residence
- (b) recreational areas and equipment
- (c) clubhouses
- (d) laundry, restroom and shower facilities
- (e) storage and/or maintenance buildings
- (f) other similar uses as determined by the Randolph County Board of Commissioners.

7. With the exception of the accessory structures listed above, there shall be no permanent structures allowed in the Travel Trailer Park.

8. Any change or expansion of any Travel Trailer Park from that approved in the conditional use permit shall require approval of a new conditional use permit.

Section 18.51 **DETAILED REGULATIONS FOR PUD PLANNED UNIT DEVELOPMENT DISTRICT.**

The regulations established for this district are intended to provide optional methods of land development with provisions for residential, commercial, religious, educational, and cultural facilities, which are integrated with the total project by unified architectural and open space treatment.

Section 18.51.1 **PERMITTED USES**

Single family attached and detached dwellings; duplexes; multi-family dwellings;

condominiums and townhouses; uses permitted in the C-1 district and CORD districts; educational uses; and other religious and cultural uses.

Section 18.51.2 **PRELIMINARY DEVELOPMENT PLAN**

A person applying for a zoning amendment to establish a PUD district shall submit a Preliminary Development Plan to the Board of Commissioners of Randolph County, consisting of:

1. A site plan showing:
 - a. The direction of north, appropriate scale and topography.
 - b. The location of subject property in relation to the entire county.
 - c. The use of the property adjacent to the site.
 - d. The proposed use of land and density of development for the site.
 - e. Proposed access to, and traffic circulation within, the site.
2. A proposed development schedule for the project.
3. The PUD shall be located in an area for which public facilities and services are available and adequate for the uses that are proposed; provided, however, that the applicant may provide such facilities which are not presently available, and written assurance of such provision shall be included as a part of the preliminary development which is submitted.
4. The Board of Commissioners of Randolph County shall review and act on the proposed zoning request and any amendment to an approved Preliminary Development Plan in accordance with the zoning ordinance.

Section 18.51.3 **FINAL DEVELOPMENT PLAN**

Prior to the removal of natural vegetation, restructuring of the land or construction of any improvements, an approved final development plan is required. A plan shall be submitted to the Board of Commissioners of Randolph County, which is consistent with the Preliminary Development Plan, and containing:

1. A site plan showing:
 - a. The direction of north, appropriate scale and existing and finished topography in not greater than five foot contour intervals.
 - b. The proposed location and height of all structures.
 - c. The use of all structures and land.
 - d. The location and use of structures adjacent to the site.
 - e. The location, area and number of parking spaces and maneuvering areas.
 - f. The location and dimensions of streets, driveways, and walks on and off the site.
 - g. All service and loading area and spaces.

- h. The location, size, number and character of all exterior signs and lighting.
 - i. The location, character and extent of existing vegetation landscaping, retaining and screen walls and other treatment for the protection of adjoining property.
 - j. The facilities for surface drainage of the premises.
 - k. Location and character of all public improvements including utilities.
- 2. A copy of any deed restrictions to be recorded.
 - 3. A comprehensive traffic analysis indicating the probable effect of the proposed development on traffic patterns and capacities of adjacent streets in the immediate area, prepared by a registered engineer or professional planner.
 - 4. A development schedule indicating the appropriate date when construction of the planned development or stage thereof can be expected to begin and be completed.
 - 5. Any other information necessary to establish compliance with this and other ordinances of the availability of adequate utility capacity.
 - 6. A fire protection plan, approved by the Volunteer Fire Department servicing the area, indicating the location and size of all proposed fire mains, fire hydrants, and fire access lanes, as well as a description of all fire protection measures and devices for structures.
 - 7. The public improvements included in the final development plan shall be consistent with the Randolph County Subdivision Regulations. Compliance with said regulations shall be reviewed as part of the final development review process.
 - 8. The applicant shall provide for and/or establish an organization or other legal entity for the control and maintenance of any common open space designated on the final development plan. Such organization shall be created by covenants running with the land, and such covenants shall be included as a part of the final development plan(s) and subject to the approval of the Randolph County Board of Commissioners.
 - 9. Structures and open spaces shall be arranged in such a way as best to serve the needs of residents and commercial users of the planned development, and to minimize any adverse effects on the neighboring districts.
 - 10. Scenic assets and natural features, such as trees, streams, and topographic features, shall be protected and preserved to the greatest extent possible.
 - 11. Not more than 50% of the gross tract area shall be covered by buildings in the PUD.

12. At least 50% of the area remaining after the development of the buildings, parking, right-of-way, and utility or drainage easements, shall be developed to serve the needs of the residents of the development; including but not limited to landscaping, patios, walks, play areas, recreation, and other uses consistent with the character of the PUD.
13. Buffers and building set-backs shall recognize and honor existing adjacent land development. However, in no case shall a building be constructed closer than 15 feet from the PUD district boundary, nor closer than 50 feet from any public road right-of-way.
14. Adequate screening and separation between different land uses shall be provided by means of buffering or other acceptable methods.
15. Vehicular access to the PUD shall be from streets capable of supporting existing and projected traffic. No streets or roads within the PUD shall connect to the public street system in such a way as to encourage use of minor streets for through streets.
16. The PUD shall include provisions for safe and convenient pedestrian access and circulation.

Section 18.51.4 **FINAL DEVELOPMENT PLAN REVIEW**

1. Upon receipt of an applicant's Final Development Plan, the Board of Commissioners of Randolph County shall transmit a copy of the plan to the appropriate departments and agencies for their review, report and recommendation. Such officials and agencies shall each within thirty (30) days from receiving the plan and documentation, furnish to the Board of Commissioners of Randolph County a report pertinent to their respective jurisdiction and concerns.
2. The Board of Commissioners of Randolph County shall review the applicant's Final Development Plan and within ninety (90) days following the applicant's submission of the plan to the Board of Commissioners of Randolph County shall also prepare a written report stating clearly the reasons and justifications therefore, and identify what changes are necessary in order for the plan to be approved. Said written disapproval shall be transmitted to the applicant.

Section 18.51.5 **AMENDING FINAL DEVELOPMENT PLAN**

1. The Final Development Plan may be amended by the Board of Commissioners of Randolph County, provided the procedure specified in Section 8.5.4 for review and approval is followed.
2. Minor changes in the location, siting, or character of buildings and structures as shown on the Final Development Plan may be authorized by the Building Official.

No change authorized by the Building Official under this section may increase the size of any building or structure by more than five (5) percent, nor change the location of any building or structure by more than ten (10) feet in any direction; provided, notwithstanding anything in the foregoing, the Building Official may not permit change beyond the minimum or maximum requirements set forth in this ordinance. All other changes in the Final Development Plan, including changes in the site plan and in the development schedule, must be made under the procedures that are applicable to the initial approval of a Final Development Plan.

Section 18.52

DETAILED REGULATIONS FOR GENERAL AGRICULTURE AND FORESTRY DISTRICT (A-1).

No commercial poultry house, structure for the keeping of livestock for commercial purposes, commercial kennel, or structure for the storage of organic waste shall be constructed closer than 1,000 feet from any property line. Commercial or on farm composting operations must also maintain a minimum 1,000 foot setback from all property lines.

Section 18.53

REGULATIONS FOR A COMMERCIAL OUTDOOR RECREATION DEVELOPMENT (CORD).

1. A site plan for the total acreage must be submitted to the Board of Commissioners of Randolph County for review and approval to ensure consistency with the overall plans for the appropriate development of the county. Final approval of the plan rests with the governing authority.
2. Amendments to the site plan must be submitted to the Board of Commissioners of Randolph County for final approval.
3. When a CORD abuts a public road, the minimum setback requirements shall be those of the most restrictive adjacent zoning district.
4. A green belt of 20 feet shall be required on 3 sides of the property.
5. Off-street parking as required in Section 12.3.

Section 18.54

NUMBER OF SINGLE FAMILY DETACHED DWELLINGS PER LOT.

No more than one single family detached dwelling and/or principal building and its customary accessory building shall hereafter be erected on any one lot. In the A-1 Agricultural District, there may be up to four (4) single family residential dwellings on any parcel of land under single ownership (three plus the owner's dwelling) where the following conditions can be met:

1. The additional dwellings may be occupied by either blood relatives to the owner

of the property and said blood relationship shall extend to but not beyond the second descending and ascending generation, or full time caretaker employees of the property owner who are part of the farming operations and responsible for the agricultural production of the property.

2. Each single family detached dwelling shall occupy a land area not less than one and one-half (1.5) acres and conform to the lot requirements of a R-1 district.

3. Each such land area shall receive approval from the county environmental health specialist as to the suitability of the site for an effective sanitary sewage disposal system.

4. No commercial uses of the buildings are allowed and no rental charges can be placed on these units.

5. Each dwelling shall be accessible to the public roadway.

6. Individual power supply sources shall be provided to each dwelling and each utility installation shall meet all code requirements.

7. Permits for construction will not be issued prior to the approval of each of the aforementioned conditions by the building inspector or other designated agent.

Sections 18.55 - 18.60

RESERVED.

ARTICLE IX. PERMITTED USES IN ZONING DISTRICTS

Section 18.61 PERMITTED USES.

Uses allowed in each zoning district are determined from the matrix located on the following pages with (A) being uses allowed, (N) being uses not allowed, and (C) being conditional uses requiring further review by the Board of Commissioners in accordance to the zoning procedures to this Ordinance (see Section 16).

Permitted Uses in Zoning Districts

USES	A-I	R-R	R-1	C-1	I-1	MHU-1	CORD	PUD
Agricultural								
Chipmill	C	N	N	N	A	N	N	
Concentrated Animal Feeding Operation	C	N	N	N	N	N	N	
Crops (Field)	A	N	N	N	N	N	N	
Dairies	C	N	N	N	N	N	N	
Deer & Game Process	A	N	N	C	N	N	N	
Fruits, tree nuts, vegetables: Processing	A	N	N	N	A	N	N	
Non Processing	A	A	A	C	N	N	N	
Greenhouse or Plant Nursery, Commercial	A	N	N	A	N	N	N	
Livestock, fish & birds	A	N	N	C	C	N	N	
Livestock sales pavilion, or farmers' market	A	N	N	C	C	N	N	
Poultry Producers, egg producers	C	N	N	N	C	N	N	
Produce Stands	A	N	N	A	N	N	N	
Slaughterhouses, process plant	C	N	N	N	C	N	N	
Stable (riding) Private (Conditional Use in R-R District: one horse per acre)	A	C	N	N	N	N	N	
Tree Farms	A	N	N	N	N	N	N	
Animal Care Facilities								
Animal Hospital & Veterinary Clinics	A	N	N	A	N	N	N	
Kennels: Boarding and Breeding	A	C	N	C	N	N	N	
Pet Grooming Shops	A	N	N	A	N	N	N	
Automotive & Farm Equipment Sales & Service								
Automobile sales	N	N	N	A	N	N	N	
Boat sales	N	N	N	A	N	N	N	
Boat service	N	N	N	A	N	N	N	
Farm Equipment:								
Sale, Lease and Rentals (principal use)	C	N	N	A	N	N	N	
Sale, Lease and Rentals (accessory use)	C	N	N	A	N	N	N	
Parts and Tire Store	N	N	N	A	N	N	N	
Paint Shops	N	N	N	A	N	N	N	
Repairs Shops	C	N	N	A	N	N	N	
Service Station	C	N	N	A	N	N	N	
Tire Retreading & Recapping	C	N	N	A	A	N	N	
Trailer Sales	N	N	N	A	N	N	N	

Permitted Uses in Zoning Districts

	A-1	R-R	R-1	C-1	I-1	MHU-1	CORD	PUD
Upholstery Shop	C	C	N	A	N	N	N	
Vehicle Storage (see storage)								
Wash Service	N	N	N	A	C	N	N	
Building Materials								
Retail Building Material Establishments	N	N	N	A	A	N	N	
Electrical Supply Store	N	N	N	A	A	N	N	
Paint, Glass & Wallpaper Stores	N	N	N	A	N	N	N	
Plumbing & HVAC Equipment Dealers	N	N	N	A	A	N	N	
Wood and/or Lumber Production (saw mill)	C	N	N	N	A	N	N	
Communication								
Billboards	C	N	N	N	C	N	N	
Broadcasting Stations	C	N	N	C	C	N	N	
Telephone Business Exchange	C	N	N	C	C	N	N	
Wireless Communication Towers	C	N	N	C	C	N	N	
Construction Contractor								
With Equipment & Material Yard	N	N	N	C	A	N	N	
Without Equipment & Material Yard	A	N	N	A	A	N	N	
Education								
Research and Training facility	C	N	N	A	C	N	N	
Schools (public & private)	C	C	C	C	C	C	C	
Vocation schools	C	C	C	C	C	C	C	
Day Care Centers, Nurseries, and Kindergartens	N	C	C	A	N	C	N	
Manufacturing								
Alcohol or alcoholic beverage	N	N	N	N	A	N	N	
Asphalt plants	N	N	N	N	A	N	N	
Automobile and truck manufacture	N	N	N	N	A	N	N	
Industrial buildings manufacture	N	N	N	N	A	N	N	
Brick, clay, tile or concrete products	N	N	N	N	A	N	N	
Cement, lime gypsum or plaster of paris	N	N	N	N	A	N	N	
Chemical, organic and inorganic	N	N	N	N	A	N	N	
Distillation of beverages	N	N	N	N	A	N	N	

Permitted Uses in Zoning Districts

	A-1	R-R	R-1	C-1	I-1	MHU-1	CORD	PUD
Dye works	N	N	N	N	A	N	N	
Explosive manufacture or storage	N	N	N	N	A	N	N	
Fat rendering and fertilizer manufacture	N	N	N	N	N	N	N	
Ice manufacturing plants	N	N	N	N	A	N	N	
Petroleum refining	N	N	N	N	A	N	N	
Sand mining	N	N	N	N	A	N	N	
Smelting of metal ores	N	N	N	N	A	N	N	
Solar Panel Fields	C	N	N	N	A	N	N	
Sugar refineries	N	N	N	N	A	N	N	
Food processing	N	N	N	N	A	N	N	
Pellet manufacture	A	N	N	N	A	N	N	
Any other processing or assembly of goods	N	N	N	N	C	N	N	
Recreation, Amusement, Entertainment								
Assembly Halls	C	N	N	C	N	N	N	
Billiard & Pool/Game Room	N	N	N	C	N	N	C	
Bowling Alley & Skating Rinks	N	N	N	C	N	N	C	
Civic, Social & Fraternal Organizations	C	N	N	C	N	N	C	
Cultural Facilities	C	N	N	A	N	N	A	
Indoor Fitness Center	C	N	N	A	N	N	A	
Indoor/Outdoor Fitness Center	C	N	N	C	N	N	A	
Movie Theater/Live Performance Theater	C	N	N	C	N	N	A	
Parks (Private)	C	C	C	C	N	N	A	
Parks (Public)	C	C	C	C	C	C	C	
Recreation Centers	C	C	C	C	C	C	A	
Activity Conducted Primarily Outside Enclosed Building Structure								
Public or Privately owned Outdoor Recreational Facilities i.e., Golf & Country Clubs, Hunting Preserves, swimming or Tennis Clubs, Shooting, Trap & Skeet Ranges etc.	C	N	N	N	N	N	A	
Golf Driving Range, Miniature Golf	C	N	N	N	N	N	A	
Skateboard Park, Bicycle Race Track	C	N	N	N	N	N	A	
Automobile or Motorcycle, go-carts, etc.	C	N	N	N	N	N	C	
Stables (riding) commercial	A	N	N	N	N	N	A	
Carnival, rodeo, horse show, shooting event, athletic event or community fair	C	N	N	N	N	N	A	

Permitted Uses in Zoning Districts

	A-1	R-R	R-1	C-1	I-1	MHU-1	CORD	PUD
Residential Uses								
Single Family	A	A	A	N	N	N	N	
Duplex	N	N	A	N	N	N	N	
Apartments	N	N	C	N	N	N	N	
Townhouse	N	N	C	N	N	N	N	
Patio Houses	N	C	C	N	N	N	N	
Other High Density	N	N	C	N	N	N	N	
Manufactured Housing Unit	S	A	C	N	N	S	N	
Personal Care Home (Family)	C	C	C	C	N	N	N	
Personal Care Home (Group or Congregate)	C	C	C	C	N	N	N	
Nursing Homes, Convalescent and Rest Home	C	C	N	C	N	N	N	
Rooming Rentals/Lodging								
Rooming House, Boarding House	A	C	C	C	N	N	N	
Bed & Breakfast Inn	A	N	N	A	N	N	N	
Hotels, Motels, & Similar Business	N	N	N	A	N	N	N	
Temporary Emergency Construction Repair Residences	C	C	C	N	N	C	N	
Travel Trailer Parks, Campgrounds, Campsites & Primitive Campsites	C	N	N	N	N	N	C	
Religious Facilities								
Churches	C	C	C	C	N	C	N	
Meetings (temporary)	C	C	C	C	N	C	N	
Restaurants, Bars, Night Clubs								
Alcohol drinking establishments	N	N	N	A	N	N	N	
Drive-In-Restaurants	N	N	N	C	N	N	N	
Dine-In Restaurants (only)	C	N	N	A	N	N	N	
Dine-in, carry-out, delivery restaurants	C	N	N	C	N	N	N	
Carry-out, delivery services (only)	C	N	N	C	N	N	N	
Retail Trade								
Apparel and accessory stores	N	N	N	A	N	N	A	
Bicycle sales	N	N	N	A	N	N	A	
Book and stationary stores	N	N	N	A	N	N	A	
Camera and photographic	N	N	N	A	N	N	A	
Drugstores	N	N	N	A	N	N	N	
Farm and garden supply stores	C	N	N	A	N	N	N	

Permitted Uses in Planning Districts

Retail Trade (cont)	A-1	R-R	R-1	C-1	I-1	MHU-1	CORD	PUD
Flea market	C	N	N	C	N	N	N	
Florists	N	N	N	A	N	N	N	
Food stores	N	N	N	A	N	N	N	
Food stores (including the minor manufacturing of food)	N	N	N	A	C	N	N	
Furniture, home furnishings and equipment stores	N	N	N	A	N	N	N	
Gift, novelty, antique and souvenir	N	N	N	A	N	N	N	
Hardware and general merchandise shops	N	N	N	A	N	N	N	
Hobby, toy and games shops	N	N	N	A	N	N	C	
Jewelry stores	N	N	N	A	N	N	N	
Liquor stores	N	N	N	A	N	N	C	
Merchandise store (specialized)	N	N	N	A	N	N	C	
News dealers and newsstands	N	N	N	A	N	N	C	
Sales of goods (produced and processed on premises)	N	N	N	A	N	N	C	
Sporting Goods Stores	N	N	N	A	N	N	A	
Tobacco Shop or Stand	N	N	N	A	N	N	A	
Services								
Artisan	C	N	N	A	N	N	N	
Barber and beauty shops	C	N	N	A	N	N	N	
Business service establishments	N	N	N	A	N	N	N	
Dancing School	C	N	N	A	N	N	N	
Diaper Service	C	N	N	A	N	N	N	
Dry cleaning plants and power laundries	N	N	N	C	A	N	N	
Laundries (coin operated)	N	N	N	A	A	N	N	
Laundry and dry cleaning pick-up stations	N	N	N	A	A	N	N	
Alterations	Y	N	N	A	N	N	N	
Moving Service	N	N	N	A	A	N	N	
Offices (i.e., accountants, financial institutions, lawyers, doctors, real estate, other professionals and businesses)	N	N	N	A	N	N	N	
Photographic studios	N	N	N	A	N	N	N	
Repair shops (i.e., jewelry, small appliances, TV, radio)	C	N	N	A	N	N	N	
Services (Health)								
Clinics	N	N	N	A	N	N	N	
Hospitals	N	N	N	A	N	N	N	
Offices/Pharmacies	N	N	N	A	N	N	N	

Permitted Uses in Zoning Districts

	A-1	R-R	R-1	C-1	I-1	MHU-1	CORD	PUD
Solar Energy Systems								
Building Mounted	Y	Y	Y	Y	Y	Y	Y	Y
Ground Mounted	Y	Y	N	Y	Y	N	N	Y
Solar Energy Facility or Farm	Y	Y	N	N	Y	N	N	N
Storage								
Mini-Warehouses	N	N	N	C	A	N	N	
Scrap or Junkyards	N	N	N	N	A	N	N	
Storage and maintenance (equipment & vehicle)	N	N	N	N	A	N	N	
Warehousing	N	N	N	N	A	N	N	
Transportation								
Railroad yards	N	N	N	N	A	N	N	
Terminal (truck)	N	N	N	N	A	N	N	
Truck yards	N	N	N	N	A	N	N	
Wholesale Trade								
Distribution Establishments	N	N	N	N	A	N	N	
Petroleum bulk stations	N	N	N	N	A	N	N	
Miscellaneous Public Semi-Public & Private Facilities								
Post Office	C	C	C	A	C	C	N	
Airport	C	N	N	N	N	N	N	
Inert Landfill	C	N	N	N	A	N	N	
Cemetery	C	N	N	N	N	N	N	
Funeral Home	N	N	N	A	N	N	N	
Sewage Sludge (Biosolids) Land Application and Disposal Facilities	C	N	N	N	C	N	N	
Governmental Landfills and/or Governmental Waste Disposal Facilities, Private Landfills and/or Private Waste Disposal Facilities, Hazardous Waste Disposal Facilities, Land Application Waste Disposal facilities	C	N	N	N	C	N	N	

ARTICLE X. DETERMINATION OF UNCLASSIFIED USES

Section 18.66

In the event an applicant wishes to use property for a use which is not specifically identified under permitted uses or uses permitted subject to the approval of the Board of Commissioners of Randolph County and which said use is not specifically prohibited from the district, the following provision shall apply:

1. The building inspector or other designated agent shall submit to the Board of Commissioners of Randolph County a written request for determination of the unclassified use.
2. The Board of Commissioners of Randolph County determines that the use is of a similar character and meets the intent of the uses permitted within the district, then the Board of Commissioners of Randolph County shall instruct the building inspector or other designated agent to issue a permit.
3. In the event that the Board of Commissioners of Randolph County determines that the proposed use in the district is consistent with the character and intent of permitted uses which are subject to the approval of the Board of Commissioners of Randolph County, then the applicant shall apply for a conditional use permit subject to the approval in the regular manner.
4. In no event shall the provisions of this section be used to allow an incompatible use or use specifically prohibited by this ordinance within a certain district.
5. Once the use has been allowed or disallowed by the Board of Commissioners of Randolph County, it shall then be considered classified under the appropriated category in the district.

Sections 18.67 - 18.70

RESERVED.

ARTICLE XI. NON-CONFORMING USE

Section 18.71

CONTINUATION OF A NON-CONFORMING USE.

Any structure of use of land existing at the time of enactment or subsequent amendment of this zoning ordinance, but not in conformity with its use provisions, may be continued with the following limitations:

1. A non-conforming use may not be changed to another non-conforming use.
2. A non-conforming use may not be re-established after discontinuance of that use for one year.
3. A non-conforming use or structure may not be enlarged beyond its size at the time the use or structure became non-conforming. This includes, but is not limited to, the size of the building, the number of employees, operation during other hours of the day or night, the use of additional land, and additional or more powerful equipment.
4. A non-conforming structure may not be rebuilt, altered, repaired, or replaced after incurring damages exceeding 75% of the fair market value of the structure at the time immediately preceding such damage occurring. A non-conforming mobile home may be replaced after it is removed from the property with a manufactured housing unit that is in compliance with the standards set forth in Section 8.4 as long as such replacement occurs within 12 months of removal. Any period longer than 12 months, a non-conforming mobile home can not be replaced after it is removed from the property.

Section 18.72

CHANGING A NON-CONFORMING USE.

The Board of Commissioners may grant the change, re-establishment, or enlargement of a non-conforming use or the enlargement, rebuilding, alteration, repair, or replacement of a non-conforming structure upon the following finding:

1. The change, establishment, enlargement, rebuilding, alteration, repair, or replacement would be no more detrimental to the surrounding area than the existing or previous use.
2. The structure cannot be economically modified so as to be suitable for uses in the district.
3. The structure would have to be removed to permit development of the property for conforming uses.
4. The structure has such value that removal to permit development of the conforming uses would cause economic hardship to the owner.
5. The proposed change, re-establishment, enlargement, rebuilding, alteration, replacement, or repair would not cause substantial detriment to the public good or impair the purposes and intent of this Zoning Ordinance; and
6. The requirements of the Zoning Ordinance for rezoning would prevent the current zoning from being changed to a classification that would allow the proposed change, re-establishment, enlargement, rebuilding, alteration, repair, or replacement.

Section 18.73**APPLICATIONS FOR CHANGING A NON-CONFORMING USE.**

Applications submitted to the Board of Commissioners requesting the change, re-establishment, enlargement, rebuilding, alteration, repair, or replacement of a non-conforming use structure shall include the following information:

1. The applicant shall bear the burden of providing conclusive evidence to the Board of Commissioners that the use or structure is legally non-conforming. The evidence may include, but is not limited to, business licenses, tax receipts, utility bills, telephone bills, IRS documents and affidavits.
2. The applicant shall submit a plat of an accurate site plan, drawn to scale, showing the dimensions of the lot size and location of all structures and their distance from all property lines, the names of all streets which the property abuts, and parking spaces.
3. If the request is for a commercial use or structure, a written description shall be submitted to describe the business. The description shall include hours of operation, number of employees, equipment used, products made or sold, type of signs, and other information as needed for the Board of Commissioners to reach a decision.
4. The applicant shall provide evidence to the Board of Commissioners on how the proposed change, re-establishment, enlargement, rebuilding, alteration, repair, or replacement will comply with the zoning, health, and building requirements.

Section 18.74**CONDITIONS ON APPROVAL.**

If the requested change, re-establishment, enlargement, rebuilding, alteration, repair or replacement is approved, the Board of Commissioners may place conditions on the approval to ensure protection of the surrounding area. The applicant is responsible for conformance with these conditions.

Sections 18.75 - 18.80**RESERVED.**

ARTICLE XII. SUPPLEMENTARY DISTRICT REGULATIONS

Section 18.81 CORNER VISIBILITY.

On a corner lot in any zoning district nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and a half (2 ½) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of the intersection.

Section 18.82 OFF PREMISE SIGNS.

The following regulations shall apply to all off-premises signs:

1. Off-premise signs are permitted in C-1 and I-1 zoning districts.
2. Off-premises signs shall be permitted on a standard sign, which does not exceed five (5) feet by ten (10) feet, is constructed of twenty-gauge sheet metal painted on each side, and is supported by metal tubing posts of the type specified by the Standard Building Code.
3. There shall be a minimum distance of eight hundred (800) feet between all off-premises signs.

Section 18.83 OFF STREET PARKING.

Section 18.83.1 REQUIREMENTS FOR OFF-STREET PARKING:

1. Agriculture Uses: One (1) space per employee on the largest shift.
2. Agriculture Support Uses: One (1) space per employee on the largest shift, plus one (1) space per two hundred (200) square feet of gross floor area provided for customer sales and service operations.
3. Commercial and Entertainment Uses, except as specifically designated below: One (1) space per one hundred fifty (150) square feet of gross floor area of customer sales and service, plus one (1) space per two hundred (200) square feet of office gross floor area, or if the uses have at least one hundred thousand (100,000) square feet of gross floor area, five and one-half (5.5) spaces per one thousand (1,000) square feet of gross floor area.
4. Other commercial and entertainment uses:

Banks: One (1) space per two hundred (200) square feet of gross floor area of customer sales and service, plus five (5) spaces off-street waiting (loading) spaces per drive-in lane, plus one (1) space per employee on the largest work shift.

Funeral Home: One (1) space per one hundred (100) square feet of gross floor area of customer sales and service.

Hospital: Two (2) spaces per three (3) patient beds, plus one (1) space per staff doctor and each other employee on the largest work shift.

Hotel or Motel: One (1) space per room or suite, plus one (1) per every three (3) employees on the largest work shift, plus one (1) space per three (3) persons to the maximum capacity of each public meeting and/or banquet room, plus fifty (50) percent of the spaces otherwise required for accessory uses (e.g., restaurants and bars).

Private Clubs: One (1) space per four (4) persons to the maximum capacity of the facility.

Repair Services: One (1) space per three hundred (300) square feet of gross floor area of customer sales and service, plus one (1) space per employee on the largest work shift.

Restaurant, standard: One (1) square per four (4) patron seats or one (1) space per hundred (100) square feet of gross floor area of customer sales and service, whichever is greater, plus one (1) space per employee on the largest work shift.

School, commercial or trade: One (1) space per four students, plus one (1) space per employee (including faculty) at capacity class attendance period.

Shopping Center: Five (5) spaces per one thousand (1,000) square feet of gross floor area of customer sales and service.

Theaters and Auditoriums: One (1) space per four (4) patrons based on maximum capacity. This requirement may be satisfied on a space-by-space basis by the facility providing written proof that it has the use of nearby parking lot available to its patrons (e.g., by contractual arrangement).

Commercial/Recreational Uses, except as designate below: one (1) space per five (5) patrons to the maximum capacity of facility, plus one (1) space per two (2) employees on the largest work shift.

Other commercial/recreational uses:

Beauty and Barber Shops: Three (3) spaces per operator or one (1) space per one hundred (100) square feet of gross floor area of customer sales and service, whichever is larger, plus one (1) space per employee on the largest shift.

Bowling Alley: Five (5) spaces per lane, plus one (1) space per employee on the largest work shift.

Convenience Store: One (1) space per one hundred (100) square feet of gross floor area of customer sales and service.

Drive-in Theater: One (1) space per automobile station, plus one (1) space per employee.

Fast-food Restaurant: One (1) space per fifty (50) square-feet of gross floor area of customer sales and service, plus one (1) space per employee on the largest work shift.

Golf courses (nine and eighteen hole): Thirty (30) spaces per nine (9) holes, plus one (1) space per employee on the largest shift, plus (5) percent of spaces otherwise required for any accessory uses (e.g., bars, restaurants).

Golf Driving Range: One (1) space per tee, plus one (1) space per employee on the largest work shift.

Golf, par three: Twenty (20) spaces per nine (9) holes, plus one (1) space per employee on the largest shift.

Medical Offices: One (1) space per each two hundred (200) square feet of gross floor area, including pharmacies and other retail uses, but excluding corridor and lobby areas, plus one (1) per each separate medical or dental treatment room or laboratory.

Miniature Golf: One and one-half (1.5) spaces per hole, plus one (1) space per employee on the largest working shift.

Outdoor Recreational Uses: One (1) space per five (5) expected patrons at capacity.

Outdoor Swimming Pool: One (1) space per seventy-five (75) square feet of gross water area.

Outdoor Theater: One (1) space per three (3) patrons to the maximum capacity of the facility inclusive of both indoor and outdoor capability.

Public Services Uses: One (1) space per employee on the largest work shift plus one (1) space per company vehicle normally stored on the premises.

Recreational Vehicle Park: One and one-half (1.5) spaces per each recreational vehicle site, plus one (1) space per employee on the largest shift.

Skating rink, ice or roller: One (1) space per three hundred (300) square feet of gross floor area or customer sales and service.

Taverns, dance halls, night clubs and lounges: One (1) space per fifty (50) square feet of gross floor area of customer sales and service, plus one (1) space per employee on the largest shift.

Truck Stop: One (1) space per each twenty-five hundred (2,500) square feet of gross site area, but not less than eight (8) per each such use.

Vehicle Sales and Service: One (1) space per fifteen hundred (1,500) square feet of gross floor area of customer sales and service. In addition all area used for outside display of automobiles must be hard surfaced according to standards for parking areas.

Mini-warehouse: One (1) space per ten (10) storage cubicles, plus two (2) spaces per manager's residence, plus one (1) space per twenty-five (25) storage cubicles located at the warehouse office.

Manufacturing: One (1) space per employee on the largest shift, plus one (1) space per company vehicle normally left on the premises.

Other heavy industrial uses:

Truck Terminal: One (1) space per employee on the largest shift, plus one (1) space per truck normally parked on the premise, plus one (1) space per three (3) patrons to the maximum

capacity. All spaces where trucks will be parked and associated drives must be surfaced to the minimum requirements for parking lots.

Junkyard: One (1) space per ten thousand (10,000) square feet of gross land area, plus one (1) space per employee on the largest work shift.

Warehouse: One (1) space per employee on the largest shift, plus one (1) space per four thousand (4,000) square feet of gross floor area.

Institutional, indoor, recreational, and special residential uses, except as specifically designated below: One (1) space per three (3) patrons to the maximum capacity, plus one (1) space per employee on the largest shift.

Other indoor institutional, indoor recreational, and special residential uses:

Church: One (1) space per four (4) seats of maximum capacity.

Community and Recreation Center: One (1) space per two hundred and fifty (250) square feet of gross floor area, or one (1) space per four (4) patrons to the maximum capacity, plus one (1) space per four (4) patrons to the maximum capacity, plus one (1) space per employee on the largest shift.

Day or Nursery School: One (1) space per two hundred and fifty (250) square feet of gross floor area of customer service or one (1) space per four (4) seats to the maximum capacity, whichever is greater, plus one (1) space per employee on the largest shift.

Nursing Homes: One (1) space per six (6) patient beds, plus one (1) space per employee on the largest shift, plus one (1) space per staff member and visiting doctor.

Swimming Facility: One (1) space per seventy-five (75) square feet of gross water area, plus one (1) space per employee on the largest shift.

Tennis, Racquetball, Handball Courts: Four (4) spaces per court, plus one (1) space per employee on the largest shift.

Commercial Support Uses: One (1) space per employee on the largest shift, plus one (1) space per company vehicle regularly stored on premises.

Veterinary Office with enclosed kennels and/or pens: Three (3) spaces per doctor, plus one (1) space per employee on the largest shift.

Nursery uses: One (1) space per each five hundred (500) square feet of display and sales area both indoor and outdoor, excluding areas used exclusively for the storage or propagation of plants, but not less than five (5) for each such use.

Office Uses: One (1) space per two hundred and fifty (250) square feet of gross floor area of customer sales and service and office area.

Residential uses: Two (2) spaces per each dwelling unit.

Section 18.83.2 **ESTABLISHMENT OF OFF-STREET PARKING**

Whenever off-street parking is required for the development of a lot, it shall be established and maintained as follows:

1. Each off-street parking space shall consist of a designated and defined area of at least ten (10) feet in width and twenty (20) feet in length exclusive of access drives and aisles.
2. Except for lots devoted to single and two (2) dwelling units per structure uses, all areas established for off-street parking shall be designed and be of such size that no vehicle is required to back into a public street to obtain egress.
3. All area devoted to off-street parking shall have clearly defined access drives of ingress and egress not to exceed twenty-five (25) feet, to include curbs.
4. All area devoted to permanent off-street parking shall be of a hard surface or covered in such manner that no dust will result from continuous use. Each off-street parking space shall be clearly marked or other wise defined. Gravel or plant mix is also acceptable.
5. No off-street parking space shall extend beyond any lot line; and where an off-street parking space abuts a residential lot line, a set back line of five (5) feet shall be established.
6. All areas devoted to ingress or egress in a commercial, industrial or multi-family zone shall be denoted by curbing.

Section 18.84

OFF-STREET LOADING AND UNLOADING.

In all zoning districts where permitted uses require the receipt or distribution of materials or merchandise by truck or similar vehicle, off-street loading and unloading space shall be provided. Such requirements will apply to new structures or that portion of existing structures which are altered or expanded after the effective date of this ordinance.

Section 18.84.1

REQUIREMENTS OF OFF-STREET LOADING AND UNLOADING SPACE:

1. One (1) space shall be required for the first twenty thousand (20,000) square feet of floor area plus one (1) additional space for each twenty thousand (20,000) square feet of floor area up to one hundred thousand (100,000) square feet and one (1) space for each additional forty thousand (40,000) square feet thereafter.
2. The minimum size of an off-street loading and unloading space shall be ten (10) feet by fifty (50) feet exclusive of driveway and maneuvering space.
3. No street or alley shall be considered as part of the off-street loading or unloading area.
4. All areas for loading and unloading shall be so designed and located to permit vehicles to exit while facing a street or alley.

5. Off-street loading and unloading spaces may occupy all or any part of any required yard area, except required vegetated buffer areas.
- 6.

Section 18.85 **PUBLIC STREET FRONTAGE.**

No building shall be erected on a lot which does not abut for at least twenty-five (25) feet on a public street.

Section 18.86 **ACCESSORY BUILDINGS.**

An accessory building may be erected either attached or unattached to a principal building on the same lot. An attached accessory building shall be considered a part of the principal building and shall comply with the requirements of the district in which it is located.

An unattached accessory building shall be located in the rear yard of the principal building, shall not occupy more than thirty (30) percent of the area of the rear yard, shall not be located closer than fifteen (15) feet to the principal building on an adjoining lot, shall not be located closer than ten (10) feet to any rear or interior side lot line, and shall not project into any required front or street side yard. On corner lots, the accessory building may not be located closer to the road right-of-way than the minimum setback requirement.

Section 18.87 **AUTOMOBILE WRECKING, JUNKYARDS, BODY SHOPS, AND MOTOR VEHICLE GARAGE.**

Section 18.87.1 **LOCATION OF AUTOMOBILE AND JUNKYARDS:**

No operation shall be located nearer than six hundred (600) feet from any residential district.

Section 18.87.2 **SCREENING:**

All outdoor storage of salvage and wrecking operations shall be conducted within all enclosed solid opaque fence or solid opaque wall not less than six (6) feet in height nor more than ten (10) feet in height. All of the above businesses shall ensure that the storage of vehicles is screened from public view from any public road. Additional screening may be required. Any fence or wall erected for screening purposes shall be properly painted or otherwise maintained in good condition.

Section 18.87.3 **STORAGE OF MATERIALS OR VEHICLES:**

The storage of salvaged materials, junk materials or vehicles shall not exceed six (6) feet in height.

Vehicles awaiting repair shall not be stored outside of the business establishment or fenced area for periods longer than forty-eight (48) hours.

Section 18.88 **CEMETERY (COMMERCIAL).**

Any new cemetery shall be located on a site containing not less than ten (10) acres. Structure setback shall conform to the district regulations in which the site is located. All burial lots shall be set back not less than twenty five (25) feet from any lot line.

Section 18.89

CUSTOMARY HOME OCCUPATIONS.

Customary home occupations in those districts where permitted shall be subject to the following conditions:

1. A home occupation shall be limited to the gainful occupation or profession conducted by members of the family residing entirely within the dwelling unit and no more than three nonresidents.
2. No internal or external alterations shall be made which are not customary to dwellings.
3. In any dwelling unit, all home occupations, collectively, shall not occupy more than twenty-five (25) percent of the gross floor area of the dwelling unit but not to exceed six hundred (600) square feet.
4. The entrance of the space devoted to a customary home occupation may be from within the building or a private outside entrance.
5. No display shall be permitted of goods or services shall be permitted which is visible from the outside of the structure except for one (1) non-illuminated sign having an area of not more than two (2) square feet which may be placed flat on a door, wall or window.
6. Customary home occupations shall be limited to goods and services provided to individuals or groups not exceeding, at any given time, five (5) in number.
7. Telephone Service: Home occupation for telephone service only is permitted but shall be restricted to that use only.
8. There shall not be any product stored in plain view or in the yard of the residence and there shall not be any parking of commercial vehicle at said property for over twenty-four (24) hours.

Section 18.90

SWIMMING POOLS.

The following regulations shall apply to swimming pools:

1. Private swimming pools may be established in agricultural and residential zoning districts provided they are to be used solely by the occupants of the property on which they are located and their guests. All noncommercial pools within a residential zone shall be enclosed by a secure fence or wall not less than five (5) feet in height.

See CORD Section for Commercial Swimming Pools.

Section 18.91

GASOLINE SERVICE STATIONS.

The following regulations shall apply to all gasoline service stations:

1. There shall be a building setback from all street right-of-way lines a distance of not less than fifty (50) feet, and the canopy of the gasoline building not less than fifteen (15) feet to any street right-of-way line. Other yard setbacks shall conform to the zone in which the station is located.

2. Gasoline pump islands shall not be located closer than fifteen (15) feet to any street right-of-way line; however, when pump islands are constructed perpendicular to the pavement edge, the pump island shall be located not less than thirty (30) feet from the right-of-way lines.

Section 18.92 **STORAGE OF CERTAIN VEHICLES AND EQUIPMENT.**

The storage of certain vehicles and equipment (defined as automobiles, semi-trailer trucks with greater than three (3) axles, camping or travel trailers and boats and boat motors without current license plates is prohibited in residential districts for time periods in excess of seven (7) days unless such vehicles and equipment are stored in a carport, enclosed building, or behind the nearest portion of a building to a street.

Section 18.93 **AIRPORTS.**

Future proposed public airports shall be so located and of sufficient size to meet Federal Aviation Agency requirements and not constitute a nuisance to surrounding uses.

Section 18.93.1 **NOTICE OF CONSTRUCTION OR ALTERATION**

Except as provided in Section 12.13.2 below, each person who proposes any of the following construction or alteration shall notify the Board of Commissioners of Randolph County and shall notify the Federal Aviation Administration (the "FAA") as provided in Code of Federal Regulations, Title 14, Volume 2, Chapter 1, Part 77, as such may be amended from time to time.

1. Any construction or alteration of more than 200 feet in height above the ground level.
2. Any construction or alteration of greater height than an imaginary surface extending outward and upward at the following slope:

100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the runway at the airport owned by the Lower Chattahoochee Regional Airport Authority located in Randolph County.

3. The Board of Commissioners of Randolph County shall determine whether such construction or alteration shall be authorized upon approval of the construction or alteration by the FAA.

18.93.2 **CONSTRUCTION OR ALTERATION NOT REQUIRING NOTICE**

No person is required to provide any notice under Section 12.13.1 for any of the following construction or alteration:

1. Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of the county where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.
2. Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.

Section 18.94**INERT LANDFILL.**

Permits for inert landfills must be approved by the appropriate state agencies and notifications of adjacent property owners prior to approval by the Board of Commissioners. Inert landfills already in operation and approved by the appropriate state agency for handling such permits and operations will be allowed to continue operation. However, any such expansion must have all necessary approvals with notifications of all adjacent property owners.

Sections 18.95 - 18.100**RESERVED.**

ARTICLE XIII. EXCEPTIONS AND MODIFICATIONS

The requirements and regulations set forth in this ordinance shall be subject to the following exceptions and modifications.

Section 18.101 FRONT YARD.

The front yard requirements in this ordinance shall not apply on lots where the average depth of existing yards on developed lots located within one hundred (100) feet on each side thereof and within the same block and zoning district is greater or less than the minimum required front yard depth. In such case, the depth of the front yard on such lot shall be not less than the average front yard depth on such developed lots. On double-frontage lots, the required front yard shall be provided on each street.

Section 18.102 HEIGHT LIMITS.

Height limitations do not apply to the following: Chimneys, church steeples, flagpoles, grain elevators, distribution lines, towers and poles, radio and television antennas, water towers and similar structures.

Section 18.103 TEMPORARY USES.

Buildings used in conjunction with construction work may only be permitted thirty (30) days prior to the construction work. Such temporary buildings shall be removed no later than fifteen (15) days upon completion of the construction work. Manufactured housing units may be permitted in any zone, if a natural disaster has occurred. This use is permitted for only thirty (30) days and then shall require additional approval for a time extension of thirty days from the Board of Commissioners of Randolph County .

Section 18.104 EXISTING LOTS OF RECORD.

Any parcel of land in any district which was on record in the Office of the Clerk of Superior Court of Randolph County at the date of adoption of this Ordinance, or amended thereof, may be used as a building site even though such lot or parcel fails to meet the minimum requirements for a lot area, lot width, or both. With respect to such lots or parcels, yard and other requirements shall be subject to the following:

1. Meet applicable set-back requirements
2. Not to exceed the maximum lot coverage requirements
3. Must have an approved on-site sewage permit from local Environmental Health Specialist.

Sections 18.105 - 18.110 RESERVED.

ARTICLE XIV. ADMINISTRATION AND ENFORCEMENT

Section 18.111 ENFORCING OFFICER.

The provision of this ordinance shall be administered and enforced by the county building inspector or other designated agent. This official shall have the right to enter upon any premises at any reasonable time prior to the issuance of certificate of occupancy for the purpose of making inspections of buildings or premises necessary in carrying out his duties in the enforcement of this Ordinance.

Section 18.112 BUILDING PERMIT REQUIRED.

It shall be unlawful to commence the excavation for or the construction of any building or other structure, or erect temporary field offices, or to commence the moving, alteration, or repair (with the exception of necessary repairs not affecting the external or party walls, chimneys, stairways, or heights of buildings) of any structure until the building inspector or other designated agent has issued a building permit for such work including a statement that the plans, specifications, and intended use of such structure in all respects conform with the provision of this ordinance. Application for a building permit shall be made to the building inspector or other designated agent on forms provided for that purpose.

Section 18.113 APPROVAL OF PLANS AND ISSUANCE OF BUILDING PERMIT.

It shall be unlawful for the building inspector or other designated agent to approve any plans to issue a building permit for any excavation or construction until he has inspected such plans in detail and find them to be in conformity with this ordinance. To this end, the building inspector or other designated agent shall require that every application for a building permit for excavation, construction, use of land, moving or alteration be accompanied by a plan or plat drawn to scale and showing the following in sufficient detail to enable the building inspector or other designated agent to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this Ordinance and applicable building codes:

1. The actual shape, proportion, and dimensions of the lot to be built upon.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and any building or other structures already on the lot.
3. The existing and intended use of all such buildings or other structures
4. The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are observed.

If the proposed excavation, construction, moving, or alteration as set forth in application are in conformity with the provisions of this ordinance and other related laws and ordinances, the building inspector or other designated agent shall issue a building permit accordingly. If an application for a building permit is not approved, the building inspector or other designated agent shall state in writing on the application the cause of such disapproval. Issuance of a building permit shall in no case be construed as waiving any provision of this Ordinance.

Section 18.114**CERTIFICATE OF OCCUPANCY REQUIRED.**

No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the building inspector or other designated agent has issued a certificate of occupancy stating that such land or building or other structure or part thereof is found to be in conformity with the provision of this Ordinance.

Within three (3) days after the owner or his agent has notified the building inspector that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the building inspector or other designated agent to make a final inspection thereof, and to issue a certificate of occupancy if the building or premises or part thereof is found to conform with the provision of this Ordinance, or if such certificate is reused, to state the refusal in writing with the cause.

Section 18.115**PENALTIES FOR VIOLATION OF ZONING ORDINANCE.**

Ordinance violations may be tried in the Magistrate Court of Randolph County, Georgia, upon citation issued by the building inspector or other designated agent. Each citation shall state the time and place at which the accused violator is to appear for trial, shall identify the violation with which the accused is charged, shall have an identifying number by which it shall be filed with the court, shall indicate the identity of the accused and the date of service, and shall be signed by the building inspector or other designated agent who shall complete and serve the citation.

Prosecutions for violations of this Ordinance in accordance with this section shall be commenced by the completion, signing, and service of the citation by the building inspector or other designated agent either of whom is authorized by this Ordinance to issue citations. The original of the citation shall be personally served upon the accused, and a copy shall be promptly filed with the Magistrate Court. No person shall be arrested prior to the time of trial for violations under this section, but any person who fails to appear at trial shall be arrested thereafter on a warrant of the Magistrate Court and required to post a bond for his future appearance.

Section 18.116**REMEDIES.**

In case any building or other structure is erected, constructed, reconstructed, altered, repair, converted, or maintained, or any building, structure, or land is in violation of this ordinance, the building inspector or other designated agent, any other appropriate authority, or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to correct or abate such violation or to prevent occupancy of such building, structure, or land.

Sections 18.117 - 18.120**RESERVED.**

ARTICLE XV. VARIANCES

Section 18.121 **VARIANCES.**

The Board of Commissioners of Randolph County may grant a variance in the application of the provision of the Zoning Ordinance. The Board of Commissioners of Randolph County may do so only if all of the following findings are made.

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, shallowness, or lot size or shape, exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not to circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.

2. That because such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

3. That granting the variance will not result in authorization of a use not otherwise permitted in the district.

Sections 18.122 - 18.125 **RESERVED.**

ARTICLE XVI. AMENDMENTS AND ALTERATIONS

“Amendment” as used in this section means a change in the text of the Zoning Ordinance; a change in the official zoning map(s) of the county or the approval of a conditional use (other than those conditional uses listed in Section 8.2 hereof) authorized by a zoning decision made only after compliance with the procedures set forth in this section.

1. A proposed amendment to the text may be initiated by the Board of Commissioners of Randolph County or by any person who owns property within the zoning district of the county. Unless initiated by the Board of Commissioners of Randolph County, all proposed map amendments shall be submitted by the owner of such property or the authorized agent of the owner. An authorized agent shall have written authorization from the property owner, and such authorization shall be notarized and attached to the applications.

2. A proposed amendment to the map affecting the same property shall not be submitted more than once every twelve (12) months, beginning with the date of the final decision by the Board of Commissioners. The Board of Commissioners may at its discretion, reduce or waive the 12-month interval between applications for proposed amendments to the zoning map affecting the same property; however, in the case of an application for a proposed amendment to the zoning map which was defeated by the Board of Commissioners of Randolph County, there shall be at least a six-month interval between the defeated application and the subsequent application affecting the same property unless the board shall find and determine that the conditions under which the previous application for rezoning made have substantially changed. The 12-month interval shall not apply to applications for proposed amendments initiated by the Board of Commissioners of Randolph County, except for applications for proposed amendments to the zoning map which were defeated by the board of commissioners, in which case the interval required before a subsequent application may be filed shall be at least six (6) months unless the board shall find and determine that the conditions under which the previous application for rezoning was made have substantially changed. An application to amend zoning conditions may be submitted at any time.

Section 18.126 **INITIATION OF AMENDMENTS.**

Each proposed amendment to the text or to the official zoning map or the approval of a conditional use (other than those conditional uses listed in Section 8.2 hereof) shall be initiated by filing an application with the building official/zoning office. Applications for proposed amendments shall include at least the following information:

1. Applications for proposed amendments to the text shall include the following information:

- (a) Name and address of the applicant;
- (b) Current provisions of the text to be affected by the proposed amendment;
- (c) Proposed wording of the proposed amendment to the text; and
- (d) Reason for proposed amendment.

2. Applications for proposed amendments to the zoning map or for approval of a conditional use shall include the following:

- (a) Name and address of the applicant.
- (b) A legal description of the tract(s) proposed to be rezoned or proposed for conditional use.

- (c) Three (3) copies of a plat, drawn to scale, showing north arrow, land lot and district, the dimensions, acreage and location of the tract(s) prepared by an engineer, or land surveyor, whose state registration is current and valid. The engineer's or land surveyor's seal shall be affixed to the plat.
- (d) The present and proposed zoning district for the tract(s).
- (e) Existing intermediate floodplain area.
- (f) The names and addresses of the owner(s) of the land and of the agent(s) for the owner(s), if any.
- (g) The map and parcel number as identified on the county's tax assessor map.
- (h) If the application is for the approval of a conditional use, a description of the proposed use, site plan, including overall development scheme stating the development intentions of the landowner, a statement of location and intensity of proposed use(s) and activity(ies), and a physical description of proposed facilities accommodating such use.

3. Applications for proposed amendments shall be submitted in accordance with a schedule adopted annually by the Board of Commissioners of Randolph County. Said schedule shall provide that each application for a proposed amendment shall be submitted at least fifty (50) days prior to the date on which it is to be considered by the Board of Commissioners. A fee shall not be charged for amendments initiated by the Board of Commissioners of Randolph County.

4. An applicant may file site plans, renderings, construction specifications, written development restrictions and other zoning conditions which the applicant proposes as binding restrictions upon the development and use of the property that is the subject of the proposed amendment. However, any such zoning conditions shall be filed with the building inspection/zoning office at least seven (7) days prior to the public hearing before the Board of Commissioners. If such zoning conditions are proposed by an application and have not been filed as required by this subsection, the Board of Commissioners, at the time of the public hearing on the proposed amendment, shall defer any action on such action on such proposed amendment to a specific meeting date. The date designated for action on the proposed amendment shall be set at a time which is sufficient to allow the applicant to comply with the filing requirements of this subsection.

5. An applicant shall not be permitted to withdraw an application for a proposed amendment after the legal advertising for said proposed amendment, as required by this section, shall have first appeared, unless such withdrawal is made with the approval of the Board of Commissioners as provided in section 16.5.

Section 18.127 **PUBLIC NOTIFICATION.**

1. *Legal Notice.* Notice of public hearings before the Board of Commissioners of Randolph County as required by the section shall be published within a newspaper of general circulation within the county and shall state the time, place and purpose of the hearing and shall also include the location of property that is the subject of the zoning action, the present zoning district of said property, and the proposed zoning district of said property or the proposed conditional use. Such notice shall be published at least fifteen (15) but not more than forty-five (45) days prior to the date of the hearing.

2. *Signs posted.* Board of Commissioners of Randolph County shall have a sign(s) posted in a conspicuous place(s) on the property to be rezoned or subject to a proposed conditional use, which shall contain information describing the proposed map amendment and the dates, times, and places of the public hearings before the Board of Commissioners of Randolph County. Such

sign shall be continuously displayed for at least fifteen days prior to the public hearings. Said sign(s) or any part of the sign shall not be removed from said property except by an authorized agent of the Board of Commissioners of Randolph County .

3. *Letters to Abutting Property Owners.* Where application is made for a proposed amendment to the zoning maps or a proposed conditional use, the building inspection and/or zoning department shall notify, by regular mail, the owners, as shown by Randolph County tax records, of property that abuts the property that is the subject of the proposed amendment or proposed conditional use. Such notice shall be mailed at least fifteen (15) days prior to the date of the Board of Commissioners of Randolph County public hearing and shall include a description of the proposed amendment or proposed conditional use and the dates, times and places of the public hearings before the Board of Commissioners of Randolph County .

Section 18.128 PUBLIC HEARING PROCEDURES.

Whenever a public hearing is required by this Zoning Ordinance or by state law prior to a zoning decision, such public hearing, shall be conducted in accordance with the following procedures.

1. The public hearing shall be called to order by the presiding officer.
2. The presiding officer shall explain the procedure to be followed in the conduct of a public hearing.
3. If the subject of the hearing is a zoning decision initiated by a petitioner other than the county commission, the petitioner requesting such zoning decision, or the petitioner's agent, shall be recognized first and shall be permitted to present and explain the request for the zoning decision. If the request for a zoning decision is initiated by the county commission, all members of the county commission shall be allowed to speak as they are recognized by the presiding officer, regardless of whether such a county commission member speaks in favor of or in opposition to the proposed zoning decision. Thereafter, all individuals who so desire shall be permitted to speak in favor of the zoning decision.
4. After all individuals have had an opportunity to speak in accordance with paragraph 3 above, those individuals present at the public hearing who wish to speak in opposition to the requested zoning decision shall have an opportunity to speak.
5. When a person wishes to speak at a public hearing, he shall raise his hand and after being recognized by the presiding officer, shall stand and give his name, address, and make any comment appropriate to the proposed zoning decision.
6. No time limit shall be imposed upon any person speaking at a public hearing, but all speakers are urged to make their comments brief and avoid repeating other comments.
7. In the case of an application for a proposed amendment to the zoning ordinance text or map, the applicant shall have an opportunity, after all comments in opposition have been made, to make summary remarks concerning the proposed zoning decision.
8. Thereafter, the presiding officer shall announce that the public hearing for the

requested zoning decision is closed. At the close of the public hearing before the Board of Commissioners of Randolph County, the Board shall immediately convene its business session and take action on the proposed amendment.

Section 18.129 **BOARD OF COMMISSIONERS PUBLIC HEARING AND ACTION.**

1. Before taking action upon a proposed amendment, the Board of Commissioners of Randolph County shall hold a public hearing on the proposed amendment.

2. So the purpose of this zoning ordinance will be served and so that the health, safety and general welfare will be secured, the Board of Commissioners in its decision on the application for a proposed amendment, may in its legislative discretion, approve or deny the application for proposed amendment as submitted, defer a decision until a specific meeting date, require the applicant to file a site plan or other plans regarding the project development and defer action to a later meeting date, or allow a withdrawal of the application by the applicant, if requested. The Board of Commissioners shall determine whether the withdrawal shall be subject to the 12-month interval before refiling. The Board of Commissioners may also require that the land area for such application for proposed amendment is made be reduced, that the zoning district be changed to one other than that requested, or that zoning conditions be added or deleted, as the Board of Commissioners deems appropriate.

Section 18.130 **ZONING STANDARDS.**

Whenever Randolph County shall exercise its zoning power, the following standards are considered relevant in balancing the county's interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property:

1. Whether the zoning decision will permit a use that is suitable in view of the use and development of adjacent or nearby properties which will be reasonably affected;

2. Whether the zoning decision will adversely affect the existing use of adjacent or nearby property;

3. Whether the property affected by the zoning decision has a reasonable economic use as currently zoned;

4. Whether the zoning decision will result in a use which will or could cause an excessive or burdensome use or have a significant negative impact upon existing roads, transportation facilities, utilities, water or other natural resources, schools, churches, or other facilities;

5. Whether the zoning decision conforms with the policy and intent of an adopted land use plan to include the general purposes included in the Comprehensive Plan for Randolph County, Georgia; and

6. Whether other conditions exist that affect the use and development of the property in question and support either approval or denial of the zoning decision.

Section 18.131

CONDITIONAL USE STANDARDS.

Whenever the Board of Commissioners of Randolph County shall consider the approval of a conditional use, the following standards, in addition to other factors deemed relevant by the Board of Commissioners of Randolph County, should be considered in balancing the county's interest in promoting the public health, safety, morality and general welfare against the right to the unrestricted use of property:

1. Whether the proposed use is contrary to the purpose of this ordinance;
2. Whether the proposed use will be detrimental to the use or development of adjacent properties or the general neighborhood and whether the proposed use will adversely affect the health and safety of residents or workers;
3. Whether the proposed use will constitute a nuisance or hazard because of the number of persons who will be placed on a lot of sufficient size to satisfy the space requirements of such use;
4. Whether access to the site is appropriate considering the volume of traffic resulting from the proposed use;
5. Whether the amount and location of open space and the provision of screening is such that buffering of incompatible uses is achieved;
6. Whether the hours and manner of operation of the proposed use are inconsistent with the adjacent or nearby uses;
7. Whether public facilities and utilities are capable of adequately serving the proposed use;
and
8. Whether the proposed use will have a significant adverse effect on the level of property values or the health, safety and general welfare and character of adjacent land uses or the general area.

Sections 18.132 - 18.135

RESERVED.

ARTICLE XVII. ALTERATION OF ZONING CONDITIONS

Section 18.136 MINOR ALTERATIONS APPROVAL.

The building inspector or other authorized agent shall have the authority to approve the following minor alterations of zoning conditions provided such alterations would not change the purpose intended for such zoning condition and would not adversely affect county services or other property:

1. Building relocation, curb cut relocation and traffic circulation changes due to topographic, environmental or other design factors;
2. Parking design, and
3. Utility relocation

Section 18.137 AMENDMENTS OF ZONING ORDINANCE.

An owner of property or his authorized agent may file an application to amend any zoning conditions which have been made a part of a zoning decision by the Board of Commissioners if such changes requested cannot be effected under the provisions of section 17.1. Such application shall be processed in accordance with the same procedures as those required for applications for proposed amendments as provided in Section 16.

Sections 18.138 - 18.140 RESERVED.

ARTICLE XVIII. FEES

Section 18.141 FEES.

Fees for appeals and applications for amendments to this ordinance shall be established as follows and shall be payable prior to action by respective bodies. Fees are not refundable once the required legal ad/notification has been completed.

Appeals	\$30.00
Amendments	\$50.00
* Includes:	Conditional Use
	Text Amendment
	Rezoning

Sections 18.142 - 18.145 RESERVED.

ARTICLE XIX. SOLAR ENERGY SYSTEMS.

Section 18.146 SOLAR ENERGY SYSTEM, BUILDING MOUNTED

18.146.1 PLACEMENT.

1. No solar energy system shall be mounted or affixed to any freestanding wall or fence.
2. Panels and building mounts shall be installed per manufacturer's specifications.
3. In residential zoning districts and in the C-1 district, a solar energy system, for aesthetic reasons, shall not be located on the front slope of a pitched roof of a structure unless no other location for the solar energy equipment is feasible. Randolph County may require sun and shadow diagrams specific to the installation to ensure compliance with this provision.
4. Glare: All solar panel energy systems shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.

18. 146.2 HEIGHT.

Building-mounted solar panels or systems shall not exceed four feet above the height of any principal building on the site.

18. 146.3 PERMITS AND CODE COMPLIANCE.

A building permit shall be required for installation of all building-mounted solar energy systems.

Section 18.147 SOLAR ENERGY SYSTEM, GROUND MOUNTED

18.147.1 PLACEMENT.

1. A ground-mounted solar energy system shall not be located within any front yard set-back area required under this chapter.
2. A ground-mounted system shall not be located over a septic system, leach field area or identified reserve area unless approved by the Health Department.
3. If located in a floodplain or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation.

4. Panels and ground mounts shall be installed per manufacturer's specifications.
5. All ground-mounted solar energy systems shall be placed so that concentrated solar radiation or glare does not project onto nearby structures or roadways.

18.147.2 MAXIMUM AREA COVERAGE.

A solar energy system shall not exceed 50% of the footprint of the principal building served. For residential properties located in agricultural districts, a ground-mounted solar energy system shall not exceed 25% of the footprint of the principal building served.

18.147.3 HEIGHT.

The maximum height of a ground-mounted solar energy system shall not exceed the maximum building height for accessory buildings in the zoning district in which it is located.

18.147.4 PERMITTING.

A building permit is required for any ground-mounted solar energy system and for the installation of any thermal solar energy system.

Section 18.148 SOLAR ENERGY FACILITIES OR SOLAR FARMS

18.148.1 MOUNTING.

1. Solar panels or solar arrays shall be mounted onto a pole, rack or suitable foundation, in accordance with manufacturer specifications, in order to ensure the safe operation and stability of the system. The mounting structure (fixed or tracking capable) shall be comprised of materials approved by the manufacturer, which are able to fully support the system components, in accordance with applicable building permit requirements. Electrical components of the facility shall meet applicable electrical code requirements, and all electrical wires and lines less than 100kV that are used in conjunction with the solar energy facility shall be installed underground.
2. Multiple mounting structures shall be spaced apart at the distance recommended by the manufacturer to ensure safety and maximum efficiency.

18.148.2 SETBACKS.

A solar energy facility and its appurtenant components and structures shall be set back a minimum of 50 feet from all property lines and 100 feet from any residence.

18.148.3 PLACEMENT.

1. When located in agricultural zoning districts, the solar energy facility shall be located as much as possible to minimize impacts on prime agricultural soils.
2. If located in a floodplain or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation.
3. Components of the facility shall not be located over a septic system, leach field area or identified reserve area unless approved by the Health Department.

18.148.4 SCREENING.

The facility shall be fully screened from adjoining properties and adjacent roads using the natural topography or by installation of an evergreen buffer capable of reaching a height of 6 feet within three years of planting, with at least 75% opacity at the time of planting.

18.148.5 HEIGHT.

1. Freestanding solar panels or solar arrays shall not exceed 25 feet in height as measured from the grade at the base of the structure to the highest point.
2. Mounted solar panels or solar arrays shall not exceed eight feet above the apex of the structure on which it is mounted or the maximum height for buildings in the zoning district in which it is located.

18.148.6 SECURITY.

1. Unless 24-hour security guards or video surveillance is provided at the installation, the solar energy facility shall be enclosed by a security fence no less than 6 feet nor greater than 8 feet in height.
2. Access gates and equipment cabinets must be locked when not in use.

18.148.7 NOISE.

Inverter noise shall not exceed 40dBA, measured at the property line.

18.148.8 GLARE AND LIGHTING.

1. The solar energy system components shall be designed with an antireflective coating or at least shall not produce glare that would constitute a nuisance to

occupants of neighboring properties, aircraft, or persons traveling adjacent or nearby roads.

2. If lighting is required, it shall be activated by motion sensors, fully shielded and downcast type where the light does not spill onto any adjacent property or into the night sky.

18.148.9 MAINTENANCE AND UPKEEP.

Systems shall be maintained in accordance with manufacturer's specifications. The operator of the facility shall maintain the facility, including all buffer screening, in compliance with the approved plans and shall keep the facility free from weeds, dust, trash and debris.

18.148.10 SITE PLAN REVIEW AND DEVELOPMENT PERMIT.

A site plan reviewed and approved by the Planning Division shall be required prior to issuance of a development permit. In addition to requirements for site plans generally, the site plan submission shall include the following information: The proposed location and dimensions of all solar panels, inverters, existing and proposed structures, screening, fencing, property lines, parking, access driveways and turnout locations, ancillary equipment, transmission lines, vegetation, the location of any residences on site and within 100 feet of the perimeter of the facility, the location of any proposed solar access easements, and standard drawings of solar energy system components.

18.148.11 ADDITIONAL SUBMISSION REQUIREMENTS.

In addition to requirements for information to be provided during the site plan review and development permitting process, the facility shall not be approved for operation until the following are submitted:

1. Copy of all lease agreements and solar access easements.
2. Where interconnection to an electric utility grid is proposed, the applicant shall submit evidence that the electrical utility provider has been informed of the customer's intent to install an interconnection with the local electric utility grid. A copy of the approval from the local utility must also be provided before operation of an interconnected facility will be authorized.
3. A decommissioning plan for the anticipated service life of the facility or in the event that the facility is abandoned or has reached its life expectancy.
4. The County may require other studies, reports, certifications, and/or approvals be submitted by the applicant to ensure compliance with this

section.

Section 18.149

DECOMMISSIONING.

(a) The owner of a solar electrical system is required to notify Randolph County immediately upon cessation or the discontinuation of the operation. The solar electrical system shall be perceived to be discontinued or abandoned if no electricity is generated by such system for a period of twelve continuous months.

(b) The solar electrical system owner shall then have twelve months in which to dismantle and remove the system including all solar related equipment or apparatuses related thereto included but not limited to buildings, cabling, electrical components, roads, foundations and other facilities from the property. If the owner fails to dismantle and/or remove the solar electrical system within the established time frames, the municipality may complete the decommissioning at the owner's expense.

Sections 18.150 - 18.160

RESERVED.

ARTICLE XX. LEGAL STATUS

Section 18.161 INTERPRETATION.

In the interpretation and application of the Zoning Ordinance of Randolph County, Georgia, the provisions shall be considered minimum requirements adopted for the promotion of the public health, safety, morals, and general welfare of the citizens of Randolph County. Where the provisions of this Zoning Ordinance require or impose more restrictive standards than are required by any other ordinance or law, the provisions of this ordinance shall control. Where the provision of any other ordinance of Randolph County, Georgia or law of the State of Georgia require more restrictive standards than are required by this Zoning Ordinance, the provisions of such other ordinance or law shall control.

Section 18.162 SAVING CLAUSE.

If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not in and of itself invalid or unconstitutional

Sections 18.163 - 18.170 RESERVED.

ARTICLE XXI. HISTORIC PRESERVATION BOARD

Section 18.171 PURPOSE.

In support and furtherance of the findings and determination that the historical, cultural and aesthetic heritage of Randolph County is among Randolph County's most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people; and

In order to stimulate revitalization of the business districts and historic neighborhoods and to protect and enhance local historic and aesthetic attractions to tourists and thereby promote and stimulate business; In order to enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law; and

In order to provide for the designation, protection, preservation and rehabilitation of historic properties and historic districts and to participate in federal or state programs to do the same;

The Randolph County Board of Commissioners hereby declare it to be the purpose and intent of this Ordinance to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, objects, and landscape features having a special historical, cultural or aesthetic interest or value, in accordance with the provisions of the Ordinance.

Section 18.172 DEFINITIONS.

- A. "Building" – A building is a structure created to shelter any form of human activity, such as a house, barn, church, hotel or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn.
- B. "Certificate of Appropriateness" – Means a document evidencing approval by the Historic Preservation Commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.
- C. "Exterior Architectural Features" – Means the architectural style, general design and general arrangement of the exterior of a building, structure or object, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the forgoing.
- D. "Exterior Environmental Features" – Means all those aspects of the landscape or the development of a site which affect the historic character of the property.
- E. "Historic District" – Means a geographically definable area, possessing a significant concentration, linkage, or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development. A district may also comprise

individual elements separated geographically but linked by association or history. A Historic District shall further mean an area designated by the Randolph County Board of Commissioners as a Historic District pursuant to the criteria established in Section IV B of this Ordinance.

F. “Historic Property” – Means an individual building, structure, site, or object including the adjacent area necessary for the proper appreciation thereof designated by the Randolph County Board of Commissioners as a historic property pursuant to the criteria established in Section 18.174 C of this Ordinance.

G. “Material Change in Appearance” – Means a change that will affect either the exterior architectural or environmental features of a historic property or any building, structure, site, object, or landscape feature within a historic district, such as:

1. A reconstruction or alteration of the size, shape or façade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;
2. Demolition or relocation of a historic structure;
3. Commencement of excavation for construction purposes;
4. A change in the location of advertising visible from the public right-of-way; or
5. The erection, alteration, restoration or removal of any buildings or other structure within a historic property or district, including walls, fences, steps and pavements, or other appurtenant features, except exterior paint alterations.

H. “Object” – An object is a material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

I. “Site” – A site is the location of a significant event, a prehistoric or historical occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.

J. “Structure” – A structure is a work made up of interdependent and inter-related parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale.

Section 18.173

CREATION OF A HISTORIC PRESERVATION BOARD.

A. Creation of the Board:

There is hereby created a Board whose title shall be “**HISTORIC PRESERVATION BOARD**” (hereinafter “Board”)

B. Board Position within the County and Cities Government:

The Board shall be part of the planning functions of the Randolph County Board of Commissioners, the City of Cuthbert and the City of Shellman

C. Board Members: Number, Appointment, Terms and Compensation:

The Board shall consist of seven members, two appointed by Randolph County Board of Commissioners, two by the Mayor of Cuthbert and ratified by the City Council, two by the Mayor of Shellman and ratified by the City Council, and one appointed by majority vote of the Board. All members shall be residents of the respective county/city from which the appointment was made and shall be persons who have demonstrated special interest, experience or education in history, architecture or the preservation of historic resources.

To the extent available, the members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archaeology or related professions.

Members shall serve three-year terms. In order to achieve staggered terms, initial appointments shall be: one (1) member for one (1) year; two (2) members for two (2) years; and two (2) members for three (3) years. Members shall not receive a salary, although they may be reimbursed for expenses.

D. Statement of Board's Power:

1. The Historic Preservation Board shall be authorized to:

- a. Prepare and maintain an inventory of all property within Randolph County, the City of Cuthbert and the City of Shellman having the potential for designation as historic property;
- b. Recommend to the Randolph County Board of Commissioners specific districts, sites, buildings, structures, or objects to be designated by ordinance as historic properties or historic districts;
- c. Review application for Certificates of Appropriateness, and grant or deny same in accordance with the provisions of this Ordinance;

- d. Recommend to the Randolph County Board of Commissioners that the designation of any district, site, building, structure or object as a historic property or as a historic district be revoked or removed;
- e. Restore or preserve any historic properties acquired by the Randolph County Board of Commissioners, the City of Cuthbert, and the City of Shellman;
- f. Promote the acquisition by the Randolph County Board of Commissioners, the City of Cuthbert and the City of Shellman of façade easements and conservation easements, as appropriate, in accordance with the provisions of the Georgia Uniform Conservation Easement Act of 1992 (O.C.G.A., Section 44-10.1 through 5)
- g. Conduct educational programs on historic properties located within Randolph County, the City of Cuthbert and the City of Shellman and on general historic preservation activities;
- h. Make such investigation and studies of matters relating to historic preservation, including consultation with historic preservation experts, the Randolph County Board of Commissioners, the Cuthbert City Council, the Shellman City Council or the Board itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;
- i. Seek out local, state, federal or private funds for historic preservation, and make recommendations to the Randolph County Board of Commissioners, the Cuthbert City Council and the Shellman City Council concerning the most appropriate uses of any funds acquired;
- j. Submit to the Historic Preservation Division of the Department of Natural Resources a list of historic properties of historic districts designated;
- k. Perform historic preservation activities as the official agency of the Randolph County, Cuthbert and Shellman historic preservation program;
- l. Employ persons, if necessary, to carry out the responsibilities of the Board;
- m. Receive donations, grants, funds, or gifts of historic property and acquire and sell historic properties. The Board shall not obligate Randolph County, the City of Cuthbert or the City of Shellman without prior consent.
- n. Review and make comments to the Historic Preservation Division of the Department of Natural Resources concerning the nomination of properties within its jurisdiction to the National Register of Historic Places; and
- o. Participate in private, state and federal historic preservation programs and with the consent of the Randolph County Board of Commissioners, the Cuthbert City Council, and the Shellman City County enter into agreements to do the same.

E. Board's Power to Adopt Rules and Standards:

1. The Historic Preservation Board shall adopt rules and standards for the transaction of its business and for consideration of application for designation of Certificates of Appropriateness, such as by-laws, removal of membership provision, and design guidelines and criteria. The Historic Preservation Board shall have the flexibility to adopt rules and standards without amendment to this Ordinance. The Board shall provide for the time and place of regular meetings and a method for the calling of special meetings. The Board shall select such officers as it deems appropriate from among its members. A quorum shall consist of a majority of the members.

F. Conflict of Interest:

1. The Board shall be subject to all conflict of interest laws set forth in Georgia Statutes and in the Randolph County Charter.

G. Board's Authority to Receive Funding from Various Sources:

1. The Board shall have the authority to accept donations and shall ensure that these funds do not displace appropriated governmental funds.

H. Records of Board Meetings:

A public record shall be kept of the Board resolution, proceedings and actions and records shall be subject to the Georgia Open Records act.

Section 18.174 **RECOMMENDATION AND DESIGNATION OF HISTORIC DISTRICTS AND PROPERTIES**

A. Preliminary Research by the Board:

1. Board's Mandate to Conduct a Survey of Local Historical Resources: the Board shall compile and collect information and conduct surveys of historic resources within Randolph County, the City of Cuthbert and the City of Shellman.
2. Board's Power to Recommend Districts and Buildings to the Randolph County Board of Commissioners, the Cuthbert City Council and the Shellman City Council for Designation: The Board shall present to the Randolph County Board of Commissioners recommendations for historic districts and properties within the unincorporated areas of Randolph County.
3. Board's Documentation of Proposed Designation: Prior to the Board's recommendation of a historic district or historic property to the Randolph County Board of

Commissioners, or designation, the Board shall prepare a Report for Nomination consisting of:

- a. a physical description;
- b. a statement of the historical, cultural, architectural and/or aesthetic significance;
- c. a map showing district boundaries and classification {i.e. contributing, non-contributing OR historic, non-historic, vacant, intrusive} of individual properties therein, or showing boundaries of individual historic properties; and
- d. representative photographs.

B. Designation of a Historic District:

1. Criteria for selection of historic districts: A historic district is a geographically definable area, which contains buildings, structures, sites, objects, and landscape features or a combination thereof, which:
 - a. has special character or special historic/aesthetic value or interest;
 - b. represents one or more periods, styles or types of architecture typical of one or more eras in the history of the municipality, county, state or region; and
 - c. causes such area, by reason of such factors, to constitute a visibly perceptible section of the municipality or county.
2. Boundaries of a Historic District: Boundaries of a Historic District shall be included in the separate ordinances designating such districts and shall be shown on the Official Zoning Map of the Randolph County Board of Commissioners.
3. Evaluation of properties within Historic Districts: Individual properties within historic districts shall be classified as:
 - a. Contributing (contributes to the district);
 - b. Non-contributing (does not contribute to the district, as provided for in B.1.)

--OR --

 - a. Historic (more than 50 years old);
 - b. Non-Historic (less than 50 years old, yet possessing architectural character);
 - c. Intrusion (structure less than 50 years old which do not contribute to the character of the district);
 - d. Vacant.

C. Designation of a Historic Property:

1. Criteria for selection of Historic Properties: A historic property is a building, structure, site, or object; including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the Randolph County Board of Commissioners, the City of Cuthbert or the City of Shellman, the region or the State of Georgia for one of the following reasons:

- a. it is an outstanding example of a structure representative of its era;
- b. it is one of the few remaining examples of a past architectural style;
- c. it is a place or structure associated with an event or persons of historic or cultural significance to the Randolph County Board of Commissioners the City of Cuthbert, the City of Shellman, State of Georgia, or the region; or
- d. it is the site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the municipality, county, state or region.

D. Requirements for Adopting an Ordinance for the Designation of Historic Districts and Historic Properties:

1. Application for Designation of Historic Districts of Property: Designations may be proposed by the Randolph County Board of Commissioners, the Cuthbert City Council, the Shellman City Council, the Board, or:

- a. for historic districts – a historical society, neighborhood association or group of property owners may apply to the Board for designation;
- b. for historic properties – a historical society, neighborhood association or property owner may apply to the Board for designation.

2. Required Components of a Designation Ordinance: Any ordinance designating any property or district as historic shall:

- a. list each property in a proposed historic district or describe the proposed individual historic property;
- b. set forth the name(s) of the owner(s) of the designated property or properties;
- c. require that a Certificate of Appropriateness be obtained from the Board prior to any material change in appearance of the designated property; and
- d. require that the property or district be shown on the Official Zoning Map of the Randolph County Board of Commissioners, and be kept as a public record to provide notice of such designation.

3. **Require Public Hearings:** The Board, the Randolph County Board of Commissioners, shall hold a public hearing on any proposed ordinance for the designation of any historic district or property. Notice of the hearing shall be published in at least three (3) consecutive issues in the principal newspaper of local circulation, and written notice of the hearing shall be mailed by the Board to all owners and occupants of such properties. All such notices shall be published or mailed not less than ten (10) nor more than twenty (20) days prior to the date set for the public hearing. A notice sent via the United States mail to the last-known owner of the property shown on the City tax digest and a notice sent via attention of the occupant shall constitute legal notification to the owner and occupant under this ordinance.
4. **Notification of Historic Preservation Division:** No less than thirty (30) days prior to making a recommendation on any ordinance designating a property or district as historic, the Commission must submit the report, required in Section IV.A.3, to the Historic Preservation Division of the Department of Natural Resources.
5. **Recommendations on Proposed Designations:** A recommendation to affirm, modify or withdraw the proposed ordinance for designation shall be made by the Board within fifteen (15) days following the Public Hearing and shall be in the form of a resolution by the Randolph County Board of Commissioners.
6. **The Randolph County Board of Commissioners' Actions on the Board's Recommendation:** Following receipt of the Commission recommendation, the Randolph County Board of Commissioners, may adopt the ordinance as proposed, may adopt the ordinance with any amendments they deem necessary, or reject the ordinance.
7. **Notification of Adoption of Ordinance for Designation:** Within thirty (30) days following the adoption of the ordinance for designation by the Randolph County Board of Commissioners, the owners and occupants of each designated historic property, and the owners and occupants of each structure, site or work of art located within a designated historic district, shall be given written notification of such designation by the Randolph County Board of Commissioners which notice shall apprise said owners and occupants of the necessity of obtaining a Certificate of Appropriateness prior to undertaking any material change in appearance of the historic property designated or within the historic district designated. A notice sent via the United States mail to the last-known owner of the property shown on the City tax digest and a notice sent via United States Mail shall constitute legal notification to the owner and occupant under this ordinance.
8. **Notification of Other Agencies Regarding Designation:** The Board shall notify all necessary agencies within Randolph County, the City of Cuthbert and/or the City of Shellman of the ordinance for designation.
9. **Moratorium on Applications for Alteration or Demolition while Ordinance for Designation is Pending:** If an ordinance for designation is being considered, the Board shall have the power to freeze the status of the involved property.

Section 18.175

APPLICATION TO PRESERVATION BOARD FOR CERTIFICATE OF APPROPRIATENESS.

A. Approval of Material Change in Appearance in Historic Districts or Involving Historic Properties:

After the designation by ordinance of a historic property of a historic district, no material change in the appearance of such historic property, or of a contributing or non-contributing building, structure, site or object within such historic district, shall be made or be permitted to be made by the owner or occupant thereof, unless or until the application for a Certificate of Appropriateness has been submitted to and approved by the Board. A Building Permit shall not be issued without a Certificate of Appropriateness.

B. Submission of Plans to Board:

An Application for a Certificate of Appropriateness shall be accompanied by such drawings, photographs, plans and documentation as may be required by the Board.

C. Interior Alterations:

In its review of applications for Certificates of Appropriateness, the Board shall not consider interior arrangement or use having no effect on exterior architectural features.

D. Technical Advice:

The Board shall have the power to seek technical advice from outside its members on any application at the Board's expense.

E. Public Hearings on Applications for Certificates of Appropriateness, Notices, and Right to Be Heard:

The Board shall hold a public hearing at which each proposed Certificate of Appropriateness is discussed. Notice of the hearing shall be published in the principal newspaper of local circulation in the city and written notice of the hearing shall be mailed by the Board to all owners and occupants of the subject property. The written and published notice shall be provided in the same manner and time frame as notices are provided before a Public Hearing for Rezoning.

The Board shall give the property owner and/or applicant an opportunity to be heard at the Certificate of Appropriateness hearing.

F. Acceptable Board Reaction to Applications for Certificate of Appropriateness:

Board Action: The Board may approve the Certificate of Appropriateness as proposed, approve the Certificate of Appropriateness with any modifications it deems necessary, or reject it.

1. The Board shall approve the application and issue a Certificate of Appropriateness if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property or the historic district. In making this determination, the Board shall consider, in addition to any other pertinent factors, the following criteria for each of the following acts:

- a. Reconstruction, Alteration, New Construction or Renovation:

The Board shall issue Certificates of Appropriateness for the above proposed actions if those actions conform in design, scale, building materials, setback and site features, and to the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

- b. Relocation: A Decision by the Board approving or denying a Certificate of Appropriateness for the relocation of a building, structure, or object shall be guided by:

1. the historic character and aesthetic interest the building, structure or object contributes to its present setting.
2. whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be.
3. whether the building, structure or object can be moved without significant damage to its physical integrity.
4. whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, site or object.

- c. Demolition: A decision by the Board approving or denying a Certificate of Appropriateness for the demolition of buildings, structures, sites, trees judged to be 50 years old or older, or objects shall be guided by:

1. the historic, scenic or architectural significance of the building, structure, site, tree or object.
2. the importance of the building, structure, site, tree, or object to the ambiance of a district.
3. the difficulty or the impossibility of reproducing such a building, structure, site, tree, or object because of its design, texture, material, detail, or unique location.
4. whether the building, structure, site, tree, or object is one of the last remaining examples of its kind in the neighborhood or the city.

5. whether there are definite plans for use of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be.
6. whether reasonable measures can be taken to save the building, structure, site, tree, or object from collapse.
7. whether the building, structure, site, tree, or object is capable of earning reasonable economic return on its value.

G. Undue Hardship:

When, by reason of unusual circumstances, the strict application of any provision of this Ordinance would result in the exceptional practical difficulty or undue economic hardship upon any owner of a specific property, the Board, in passing upon applications, shall have the power to vary or modify strict provisions, so as to relieve such difficulty or hardship; provided such variances, modifications interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural or historical integrity, or character of the property, shall be conserved and substantial justice done. In granting variances, the commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this Ordinance. An undue hardship shall not be a situation of the person's own making.

H. Deadline for Approval or Rejection of Application for Certificate of Appropriateness:

1. The Board shall approve or reject an application for a Certificate of Appropriateness within forty-five (45) days after the filing thereof by the owner or occupant of a historic property, or of a building structure, site, or object located within a historic district. Evidence of approval shall be by a Certificate of Appropriateness issued by the Board. Notice of the issuance or denial of a Certificate of Appropriateness shall be sent by United States mail to the applicant and all other persons who have requested such notice in writing filed with the Board.
2. Failure of the Board to act within said forty-five (45) days shall constitute approval, and no other evidence of approval shall be needed.

I. Necessary Action to be Taken by Board upon Rejection of Application for Certificate of Appropriateness:

1. In the event the Board rejects an application, it shall state its reasons for doing so, and shall transmit a record of such actions and reasons, in writing, to the applicant. The board may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant, if he or she so desires, may make modifications to the plans and may resubmit the application at any time after doing so.

2. In cases where the application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of the application for a Certificate of Appropriateness by the Board shall be binding upon the building inspector or other administrative officer charged with issuing building permits and, in such a case, no building permit shall be issued.

J. Requirement of Conformance with Certificate of Appropriateness:

1. A certificate of appropriateness shall be limited to those elements presented to and approved by the commission. Approval of other elements, whether related or unrelated to the project presented shall not be implied by the issuance of the certificate of appropriateness. All work performed pursuant to an issued Certificate of Appropriateness shall conform to the requirements of such certificate. In the event work is performed not in accordance with such certificate, the Board shall issue a cease and desist order and all work shall cease.
2. The Board, with the approval of the Randolph County Board of Commissioners shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance of a designated historic property or historic district, except those changes made in compliance with the provisions of this ordinance or to prevent any illegal act or conduct with respect to such historic property or historic district.
3. After issuance of a certificate of appropriateness, changes in the work or changes to approve a plan must be submitted to and approved by the commission prior to beginning work on any aspect of such changes. Any such amendment or modification to the original plan must be submitted to the commission and approved by the commission in the same manner as an original certificate of appropriateness application is considered.

K. Certificate of Appropriateness Void if Construction not Commenced:

A Certificate of Appropriateness shall become void unless construction is commenced within SIX (6) MONTHS of date of issuance. A Certificate of Appropriateness shall be issued for a period of EIGHTEEN (18) MONTHS and is renewable.

L. Recording an Application for Certificate of Appropriateness:

The Board shall keep a public record of all applications for Certificates of Appropriateness, and or all the Board's proceedings in connection with said application.

M. Acquisition of Property:

The Board may, where such action is authorized by the Cuthbert City Council and is reasonably necessary or appropriate for the preservation of a unique historic property, enter

into negotiations with the owner for the acquisition by gift, purchase, exchange, or otherwise, to the property or any interest therein.

N. Appeals:

Any person with property in the City of Cuthbert who is adversely affected by any determination made by the Board relative to the issuance or denial of a Certificate of Appropriateness may appeal such determination to the Randolph County Board of Commissioners. Any such appeal must be filed with the Cuthbert City Council within FIFTEEN (15) DAYS after the issuance of the determination pursuant to Section V.H1 of this Ordinance or, in the case of a failure of the Board to act, within FIFTEEN (15) DAYS of the expiration of the forty-five (45) day period allowed for the Board action, Section V.H 2 of this Ordinance. The Randolph County Board of Commissioners may approve, modify, or reject the determination made by the Board, if the governing body finds that the Board abused its discretion in reaching its decision. Appeals from decisions of the Randolph County Board of Commissioners, may be taken to the Superior Court of Randolph County in the manner provided by law for appeals from convictions for Randolph County ordinance violations.

Section 18.176 **MAINTENANCE OF HISTORIC PROPERTIES AND BUILDING AND ZONING CODE PROVISIONS**

A. Ordinary Maintenance or Repair:

Ordinary Maintenance or repair of any exterior architectural or environmental feature in or on a historic property to correct deterioration, decay, or to sustain the existing form, and that does not involve a material change in design, material or outer appearance thereof, does not require a Certificate of Appropriateness.

B. Failure to Provide Ordinary Maintenance or Repair:

Property owners of historic properties or properties within historic districts shall not allow their buildings to deteriorate by failing to provide ordinary maintenance or repair. The Board shall be charged with the following responsibilities regarding deterioration by neglect.

- 1 The Board shall monitor the condition of historic properties and existing buildings in historic districts to determine if they are being allowed to deteriorate by neglect. Such conditions as broken windows, doors and exterior openings which allow the elements and vermin to enter, or the deterioration of a buildings structural system shall constitute failure to provide ordinary maintenance or repair.
2. In the event the Board determines a failure to provide ordinary maintenance or repair, the Board will notify the owner of the property and set forth the steps which need to be taken to remedy the situation. The owner of such property will have THIRTY (30) DAYS in which to do this.

3. In the event that the condition is not remedied in THIRTY (30) DAYS, the owner shall be penalized as provided in Section VII of this Ordinance and, at the direction of the Randolph County Board of Commissioners, the Board may perform such maintenance or repair as is necessary to prevent deterioration by neglect. The owner of the property shall be liable for the cost of such maintenance and repair performed by the Board.

C. Affirmation of Existing Building and Zoning Codes:

Nothing in this Ordinance shall be constructed as to exempt property owners from complying with existing City building and zoning codes, nor prevent any property owner from making any use of this property not prohibited by other statutes, ordinances or regulations.

Section 18.177 PENALTY PROVISIONS.

In addition to the authority provided to the city council and the historic preservation commission in Section 5 (J) (2), a violation of any of the provisions of this article shall be punished as provided in Sections 1.7 & 1.8 of the Code of Ordinances of Randolph County. Each day that the work does not comply with an issued certificate of appropriateness, or each day that work is not initiated to remedy a lack of minimum maintenance and repair, shall constitute a separate offense and is subject to the penalties set forth in section 1-7.

Section 18.178 SEVERABILITY.

In the event that any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjunction shall in manner affect the other sections, sentences, clauses, or phrases of this Ordinance, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally part thereof.

Section 18.179 REPEALER.

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

ARTICLE XXII. WIRELESS TELECOMMUNICATION TOWERS.

Section 18.179 PURPOSE AND COMPLIANCE.

1. O.C.G.A. § 32-4-179 (a) (10) authorizes the Randolph County Board of Commissioners to establish reasonable regulations for the installation, construction, maintenance, renewal, removal, and relocation of pipes, mains, conduits, cables, wires, poles, towers, traffic and other signals, and other equipment, facilities, or appliances in, on, along, over, or under the public roads of Randolph County. Further, 47 U.S.C. § 253(c) provides that the Randolph County Board of Commissioners has authority to manage its public rights of way. Finally, the Georgia Streamlining Wireless Facilities and Antennas Act, O.C.G.A. Title 36, Chapter 66C (the “SWFAA”), addresses the placement of small wireless facilities in the public rights of way of Randolph County.

2. The Randolph County Board of Commissioners finds it is in the best interest of the Randolph County Board of Commissioners and its residents and businesses to establish requirements and specify reasonable conditions regarding placement of small wireless facilities, poles in the public rights of way. These requirements, specifications and conditions are adopted in order to protect the public health, safety and welfare of the residents and businesses of the Randolph County Board of Commissioners and to reasonably manage and protect the public rights of way and its uses in the Randolph County Board of Commissioners.

3. The objective of this Ordinance is to (i) implement the SWFAA and (ii) ensure use of the public rights of way is consistent with the design, appearance and other features of nearby land uses, protects the integrity of historic, cultural and scenic resources and does not harm residents’ quality of life.

Section 18.180 DEFINITIONS.

Unless defined below, terms used in this Ordinance shall have the meanings given them in O.C.G.A. § 36-66C-18.180.

As used in this Ordinance, the following terms have the following meanings:

a. *Antenna* means; (i) communications equipment that transmits, receives, or transmits and received electromagnetic radio frequency signals used in the provision of wireless services or other wireless communications; or (ii) Communications equipment similar to equipment described in part (I) used for the transmission, reception, or transmission and reception of surface waves. Such term shall not include television broadcast antennas, antennas designed for amateur radio use, or satellite dishes for residential or household purposes.

b. *Applicable Codes* means uniform building, fire, safety electrical, plumbing, or

mechanical codes adopted by a recognized national code organization to the extent such codes have been adopted by the State of Georgia or Randolph County or are otherwise applicable in Randolph County.

- c. *Applicant* means any person that submits an application.
- d. *Application* means a written request submitted by an applicant to Randolph County for a permit to: (i) collocate a small wireless facility in a right of way; or (ii) install, modify, or replace a pole or decorative pole in a right of way on which a small wireless facility is or will be located.
- e. *Authority Pole* means a pole owned, managed, or operated by or on behalf of Randolph County. Such terms shall not include poles, support structures, electric transmission structures, or equipment of any type owned by an electric supplier.
- f. *Collocate* or *Collocation* means to install, mount, modify, or replace a small wireless facility on or adjacent to a pole, decorative pole, or support structure.
- g. *Communications Facility* means the set of equipment and network components, including wires and cables and associated equipment and network components, used by a communications service provider to provide communications services.
- h. *Communications Service Provider* means a provider of communications services.
- i. *Communications Services* means cable service as defined in 47 U.S.C. § 522(6); telecommunications service as defined in 47 U.S.C. § 153(53); information service as defined in 47 U.S.C. § 153(24), and each such term existed on January 1, 2019; or wireless services.
- j. *Consolidated Application* means an application for the collocation of multiple small wireless facilities on existing poles or support structures or for the installation, modification, or replacement of multiple poles and the collocation of associated small wireless facilities.
- k. *Decorative Pole* means an authority pole that is specially designed and placed for aesthetic purposes.
- l. *Electric supplier* means any electric light and power company subject to regulation by the Georgia Public Service Commission, any electric membership corporation furnishing retail service in this state, and any municipality which furnishes such service within this state.
- m. *Eligible Facilities Request* means an eligible facilities request as set forth in 47 U.S.C. § 140001(b)(3), as it existed on January 1, 2019.
- n. *FCC* means the Federal Communications Commission of the United States.
- o. *Fee* means a one-time, nonrecurring charge based on time and expense.

p. *Historic District* means: (i) any district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the secretary of the interior of the United States in accordance with Section VI.D.1.a.i-v of the Nationwide Programmatic Agreement codified by 47 C.F. R. Part 1; (ii) any area designated a historic district under Article 2 of Chapter 10 of Title 44, the Georgia Historic Preservation Act; or (iii) any area designated as a historic district or property by law prior to April 26, 2019.

q. *Law* means and includes any and all federal, state, or local laws, statutes, common laws, codes, rules, regulations, orders, or ordinances.

r. *Micro Wireless Facility* means a small wireless facility not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height that has an exterior antenna, if any, no longer than 11 inches.

s. *Permit* means a written authorization, in electronic or hard copy format, required to be issued by Randolph County to initiate, continue, or complete the collocation of a small wireless facility or the installation, modification, or replacement of a pole or decorative pole upon which a small wireless facility is collocated.

t. *Person* means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including an authority.

u. *Pole* means a vertical pole such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal, or other material that is lawfully located or to be located within a right of way, including without limitation a replacement pole and an authority pole. Such term shall not include a support structure, decorative pole, or electric transmission structure.

v. *Rate* means a recurring charge.

w. *Reconditioning Work* means the activities associated with substantially painting, reconditioning, improving, or repairing authority poles.

x. *Replace, Replacement or Replacing* means to replace a pole or decorative pole with a new pole or a new decorative pole, similar in design, size, and scale to the existing pole or decorative pole consistent with 47 C.F.R. § 1.40001(b)(7) as it existed on January 1, 2019, in order to address limitations of, or change requirements applicable to, the existing pole to structurally support the collocation of a small wireless facility.

y. *Replacement Work* means the activities associated with replacing an authority pole.

z. *Right of Way* means, generally, property or any interest therein, whether or not in the form of a strip, which is acquired for or devoted to a public road; provided, however, that such term shall apply only to property or an interest therein that is under the ownership or control of Randolph County and shall not include property or any interest therein acquired for or devoted to an interstate highway or the public rights, structures, sidewalks, facilities, and appurtenances of buildings for public equipment and personnel used for or engaged in administration, construction, or maintenance

of public roads or research pertaining thereto or scenic easements and easements of light, air, view and access.

aa. *Small Wireless Facility* means radio transceivers; surface wave couplers; antennas; coaxial, fiber optic, or other cabling; power supply; backup batteries; and comparable and associated equipment, regardless of technological configuration, at a fixed location or fixed locations that enable communication or surface wave communication between user equipment and a communications network and that meet both of the following qualifications: (i) each wireless provider's antenna could fit within an enclosure of no more than six cubic feet in volume; and (ii) all other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume, measured based upon the exterior dimensions of height by width by depth of any enclosure that may be used. The following types of associated ancillary equipment are not included in the calculation of the volume of all other wireless equipment associated with any such facility; electric meters; concealment elements; telecommunications demarcation boxes; grounding equipment; power transfer switches; cut-off switches; and vertical cable runs for connection of power and other services. Such term shall not include a pole, decorative pole, or support structure on, under, or within which the equipment is located or collocated or to which the equipment is attached and shall not include any wireline backhaul facilities or coaxial, fiber optic, or other cabling that is between small wireless facilities, poles, decorative poles, or support structures or that is not otherwise immediately adjacent to or directly associated with a particular antenna.

bb. *State* means the State of Georgia.

cc. *Support Structure* means a building, billboard, water tank, or any other structure to which a small wireless facility is or may be attached. Such term shall not include a decorative pole, electric transmission structure, or pole.

dd. *Wireless Infrastructure Provider* means any person, including a person authorized to provide telecommunications services in this state, that builds, installs, or operates small wireless facilities, poles, decorative poles, or support structures on which small wireless facilities are or are intended to be used for collocation but that is not a wireless services provider.

ee. *Wireless Provider* means a wireless infrastructure provider or a wireless services provider.

ff. *Wireless Services* means any services provided to the public using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile.

gg. *Wireless Services Provider* means a person that provides wireless services.

hh. *Wireline Backhaul Facility* means an aboveground or underground wireline facility used to transport communications data from a telecommunications demarcation box associated with small wireless facility to a network.

Sect on 18.181

PERMITS

1. A permit is required to collocate a small wireless facility in the public right of way or to install, modify, or replace a pole or a decorative pole in the public right of way. A permit is not required to perform the activities described in O.C.G.A. § 36-66C-6(e) or (f).

2. Any person seeking to collocate a small wireless facility in the public right of way or to install, modify, or replace a pole or a decorative pole in the public right of way shall submit an application to the County Clerk for a permit. Applications are available from the County Clerk and are attached as Exhibit A to this ordinance. Any material change to information contained in an application shall be submitted in writing to the County Clerk within 30 days after the events necessitating the change.

3. Each application for a permit shall include the maximum application fees permitted under O.C.G.A. § 36-66C-5(a)(1), (a)(2) and (a)(3). Such maximum application fees shall automatically increase on January 1 of each year beginning January 1, 2021, as provided under O.C.G.A. §36-66C-5(b).

4. The County Clerk shall review applications for permits according to the timelines and using the procedures identified in O.C.G.A. §§ 36-66C-7 and 36-66C-13.

5. Applications for permits shall be approved except as follows:

- a. In order to receive a permit to install a pole or replace a decorative pole, the applicant must have determined after diligent investigation that it cannot meet the service objectives of the permit by collocating on an existing pole or support structure on which: (i) the applicant has the right to collocate subject to reasonable terms and conditions; and (ii) such collocation would not impose technical limitations or significant additional costs. The applicant shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and shall provide a written summary of the basis for such determination.
- b. The County Clerk may deny an application for a permit upon any of the conditions identified in O.C.G.A. § 36-66C-7(j).
- c. For applications for new poles in the public right of way in areas zoned for residential use, the County Clerk may propose an alternate location in the public right of way within 100 feet of the location set forth in the application, and the wireless provider shall use the County Clerk proposed alternate location unless the location imposes technical limits or significant additional costs. The wireless provider shall certify that it has made such a determination in good faith based on the assessment of a licensed engineer, and it shall provide a written summary of the basis for such determination.

6. A permit issued under this Section 18.181 shall authorize such person to occupy the public rights of way to (i) collocate a small wireless facility on or adjacent to a pole or a support structure that does not exceed the limitations set forth in O.C.G.A. § 36-66C-7(h)(3) or on or

adjacent to a decorative pole in compliance with O.C.G.A. § 36-66C-12; and (ii) install, modify, or replace a pole or decorative pole for collocation of a small wireless facility that does not exceed the limitations set forth in O.C.G.A. § 36-66C-7(h)(1) and (h)(2).

7. Upon the issuance of a permit under this Ordinance, and on each anniversary of such issuance, every person issued a permit shall submit to Randolph County the maximum annual payments permitted under O.C.G.A. § 36-66C-5(a)(4) and (a)(5); provided, however, that if such person removes its small wireless facilities from the rights of way pursuant to O.C.G.A. § 36-66C-5(e), then such person shall be responsible for the pro rata portion of the annual payment based on the number of the days of occupation since the last annual payment. Upon making such pro rata payment and removal of the small wireless facilities, the person's annual payment obligations under this section shall cease as of the date of the actual removal. The maximum annual payments shall automatically increase on January 1 of each year beginning January 1, 2021, as provided under O.C.G.A. § 36-66C-5(b).

8. Any person issued a permit shall pay the fees identified in O.C.G.A. § 36-66C-5(a)(6) and (a)(7), as applicable.

9. Randolph County may revoke a permit issued pursuant to this SECTION 18.181 if the wireless provider or its equipment placed in the public right of way under that permit subsequently is not in compliance with any provision of this Ordinance or the Georgia Streamlining Wireless Facilities and Antennas Act. Upon revocation, Randolph County may proceed according to Section 18.181.10.

10. If a wireless provider occupies the public rights of way without obtaining a permit required by this SECTION 18.181 or without complying with the SWFAA, then Randolph County may, at the sole discretion of Randolph County, restore the right of way, to the extent practicable in the reasonable judgment of Randolph County, to its condition prior to the unpermitted collocation or installation and to charge the responsible wireless provider the reasonable, documented cost of Randolph County in doing so, plus a penalty not to exceed \$1,000.00. Randolph County may suspend the ability of the wireless provider to receive any new permits from Randolph County under this SECTION 18.181 until the wireless provider has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that Randolph County may not suspend such ability of any applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.

11. All accepted applications for permits shall be publically available subject to the limitations identified in O.C.G.A. § 36-66C-6(c).

12. An applicant may file a consolidated application related to multiple small wireless facilities, poles, or decorative poles so long as such consolidated application meets the requirements of O.C.G.A. § 36-66C-13.

13. Activities authorized under a permit shall be completed within the timelines provided in O.C.G.A. § 36-66C-7(k)(2).

14. Issuance of a permit authorizes the applicant to: (i) undertake the collocation, installation, modification or replacement approved by the permit and (ii) operate and maintain the small wireless facilities and any associated pole covered by the permit for a period of 10 years.

15. Permits shall be renewed following the expiration of the term identified in Section 18.181.14 upon the terms and conditions identified in O.C.G.A. § 36-66C-7(k)(2)(B).

16. If an application for a permit seeks to collocate small wireless facilities on authority poles in the public rights of way, then Randolph County shall, within 60-days of receipt of the completed application: (i) provide a good faith estimate for any make-ready work necessary to enable the authority pole to support the proposed facility; or (ii) notify the wireless provider that the wireless provider will be required to perform the make-ready work. Any make-ready work performed by Randolph County shall be completed pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(n).

Section 18.182 **REMOVAL, RELOCATION; RECONDITIONING; REPLACEMENT; ABANDONMENT**

1. A person may remove its small wireless facilities from the public rights of way according to the procedures of O.C.G.A. § 36-66C-5(e).

2. In the event of a removal under Section 18.182.1, the right of way shall be, to the extent practicable in the reasonable judgment of Randolph County, restored to its condition prior to the removal. If a person fails to return the right of way, to the extent practicable in the reasonable judgment of Randolph County, to its condition prior to the removal within 90 days of the removal, Randolph County may, at the sole discretion of Randolph County, restore the right of way to such condition and charge the person Randolph County's reasonable, documented cost of removal and restoration, plus a penalty not to exceed \$500.00. Randolph County may suspend the ability of the person to receive any new permits under SECTION 18.181 until the person has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that Randolph County will not suspend such ability of any person that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.

3. If, in the reasonable exercise of police powers, Randolph County determines: (i) a pole or support structure unreasonably interferes with the widening, repair, reconstruction, or relocation of a public road or highway, or (ii) relocation of poles, support structures, or small wireless facilities is required as a result of a public project, the wireless provider shall relocate such poles, support structures, or small wireless facilities pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(1). If the wireless provider fails to relocate a pole, support structure or small wireless facility or fails to provide a written good faith estimate of the time needed to relocate the pole, support structure or small wireless within the time period prescribed in O.C.G.A. § 36-66C-7(1), Randolph County may take the actions authorized by O.C.G.A. § 36-66C-7(o), in addition to any other powers under applicable law.

4. Randolph County shall recondition and replace authority poles consistent with the provisions of O.C.G.A. § 36-66C-7(m). Wireless providers shall accommodate and cooperate with

reconditioning and replacement consistent with the provisions of O.C.G.A. § 36-66C-7(m).

5. A wireless provider must notify Randolph County of its decision to abandon any small wireless facility, support structure or pole pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(p)(1). The wireless provider shall perform all acts and duties identified in O.C.G.A. § 36-66C-7(p) regarding abandonment. Randolph County may take all actions and exercise all powers authorized under O.C.G.A. § 36-66C-7(p) upon abandonment, in addition to any other powers under applicable law.

Section 18.183

STANDARDS

1. Small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities may be placed in the public right of way as a permitted use: (i) upon a receipt of a permit under SECTION 18.181; (ii) subject to applicable codes; and (iii) so long as such small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities comply with the appropriate provisions of O.C.G.A. § 36-66C-7(h).

(a) Each new, modified, or replacement pole installed in the right of way that is not in a historic district or in an area zoned primarily for residential use shall not exceed the greater of:

(i) Fifty feet above ground level; or

(ii) Ten feet greater in height above ground level than the tallest existing pole in the same public right of way in place as of January 1, 2019, and located within 500 feet of the new proposed pole;

2. A decorative pole should only be located where an existing pole can be removed and replaced, or at a new location where Randolph County has identified that a street light is necessary.

3. Unless it is determined that another design is less intrusive, or placement is required under applicable law, small wireless facilities shall be concealed as follows:

(a) Antennas located at the top of poles and support structures shall be incorporated into the pole or support structure, or placed within shrouds of a size such that the antenna appears to be part of the pole or support structure;

(b) Antennas placed elsewhere on a pole or support structure shall be integrated into the pole or support structure, or be designed and placed to minimize visual impacts.

(c) Radio units or equipment cabinets holding radio units and mounted on a pole shall be placed as high as possible, located to avoid interfering with, or creating any hazard to, any other use of the public rights of way, and located on one side of the pole. Unless the radio units or equipment cabinets can be

concealed by appropriate traffic signage, radio units or equipment cabinets mounted below the communications space on poles shall be designed so that the largest dimension is vertical, and the width is such that the radio units or equipment cabinets are minimally visible from the opposite side of the pole on which they are placed.

- (d) Wiring and cabling shall be neat and concealed within or flush to the pole or support structure, ensuring concealment of these components to the greatest extent possible.

4. Notwithstanding any provision of this Ordinance to the contrary, an applicant may collocate a small wireless facility within a historic district, and may place or replace a pole within a historic district, only upon satisfaction of the following: (i) issuance of a permit under SECTION 18.181 and (ii) compliance with applicable codes.

APPENDIX A – ZONING MAP ATTACHMENTS