

# **Zoning Ordinance of Talbot County**

**Amendments included through March, 2022**

## Table of Contents

Table of Contents .....	1
Section 1. Title and Objectives .....	3
Section 2. Legislative Authority .....	3
Section 3. Method of Regulation .....	3
Section 4. Jurisdiction .....	3
Section 5. Word Usage and Definitions .....	3
5.1. Word Usage .....	4
5.2. Definitions .....	17
Section 6. Establishment of Districts .....	17
6.1. District Designations .....	17
6.2. Official Zoning Map .....	17
6.3. Interpretation of Zoning Boundaries .....	18
6.4. Conformity .....	18
Section 7. Purpose and Intent of Zoning Districts .....	19
Section 8. District Regulations .....	19
8.1. Uses Permitted In All Districts .....	20
8.2. Conditional Uses Permitted In All Districts With Review .....	20
8.3. Specific District Regulations .....	22
8.4. Detailed Regulations for MHU-1 District .....	24
8.5. Detailed Regulations for PUD Planned Unit Development District .....	27
8.6. Detailed Regulations for CORD Commercial Outdoor Recreation Development .....	27
8.7. Detailed Regulations for Military Influence Overlay District .....	30
Section 9. Permitted Uses in Zoning Districts .....	35
Section 10. Determination of Unclassified Uses .....	35
Section 11. Non-conforming Use .....	36
Section 12. Existing Lots of Record .....	37
Section 13. Supplementary District Regulations .....	37
13.1. Corner Visibility .....	37
13.2. Off-premises signs .....	37
13.3. Off-street parking .....	41
13.4. Off-Street Loading and Unloading .....	42
13.5. Public Street Frontage .....	42
13.6. Accessory Buildings .....	42
13.7. Automobile Wrecking, Junkyards, Body Shops and Motor Vehicle Garage .....	43
13.8. Cemetery (Commercial) .....	43
13.9. Customary Home Occupations .....	44
13.10. Manufactured Housing Unit Compatibility .....	44
13.11. Swimming Pool .....	45
13.12. Gasoline Service Stations .....	45
13.13. Storage of Certain Vehicles and Equipment .....	45
13.14. Airports .....	45
13.15. Inert Landfill .....	45
13.16. Public Nuisances .....	48
13.17. Yard Sales .....	49
13.18. Standards for Telecommunications Facilities .....	

13.9. Standards for Solar Energy Systems.....	54
Section 14. Exceptions and Modifications.....	61
14.1. Front Yard.....	61
14.2. Height Limits.....	61
14.3. Temporary Uses.....	61
Section 15. Number of Single Family Detached Dwellings Per Lot.....	61
Section 16. Administration and Enforcement.....	62
16.1. Enforcing Officer.....	62
16.2. Building Permit Required.....	62
16.3. Approval of Plans and Issuance of Building Permit.....	62
16.4. Expiration of Building Permit.....	63
16.5. Certificate of Occupancy Required For Habitable Buildings.....	63
16.6. Penalties for Violation of Zoning Ordinance.....	63
16.7. Remedies.....	64
Section 17. Board of Zoning Adjustments.....	64
Section 18. Amendments and Alterations.....	65
18.1. Initiation of Amendments.....	65
18.2. Public Notification.....	66
18.3. Public Hearing Procedures.....	67
18.4. Planning Commission Public Hearing and Action.....	68
18.5. Board of Commissioners Public Hearing and Action.....	69
18.6. Zoning Standards.....	69
18.7. Criteria for Conditional Uses.....	69
Section 19. Alteration of Zoning Conditions.....	70
19.1. Minor Alterations Approval.....	70
19.2. Amendments of Zoning Conditions.....	70
Section 20. Fees.....	71
Section 21. Legal Status.....	71
21.1. Interpretation.....	71
21.2. Saving Clause.....	71
21.3. Repeal of Conflicting Ordinances.....	71
21.4. Effective Date.....	72

## **Section 1. Title and Objectives**

This Ordinance shall be known as the "Zoning Ordinance of Talbot County, Georgia," for the purpose of setting forth standards and permissible uses designed to conserve and protect the natural, economic and scenic resources of Talbot 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 over crowding 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 Talbot County, Georgia."

## **Section 2. 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 Talbot County, Georgia that it is necessary and desirable to adopt zoning regulations under the authority of the above cited Constitutional and statutory provisions.

## **Section 3. Method of Regulation**

Now therefore be it resolved that the Board of Commissioners of Talbot County, Georgia, as authorized by the Constitution of the State of Georgia, has created a planning commission known as the Talbot County Planning Commission and 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 define and limit the powers and duties of the planning commission; to provide for the method of administration, amendment and enforcement; to provide for the imposition of penalties for violations; repeal conflicting ordinances and resolutions; and for other purposes.

## **Section 4. Jurisdiction**

This Ordinance shall govern the use of all land and development therein and within the unincorporated limits of Talbot County, Georgia and within the limits of any inactive municipality in accordance with 30-70-2 of the Official Code of Georgia Annotated.

## **Section 5. Word Usage and Definitions**

### **5.1. Word Usage**

In the interpretation of this ordinance, the provisions and rules of this section shall be observed and applied, except when the context clearly requires otherwise:

- A. Words used or defined in one tense or form shall include other tenses and derivative forms.

- B. Words in the singular number shall include the plural number and words in the plural number shall include the singular number.
- C. The word "shall" is mandatory.
- D. The word "may" is permissive.
- F. The word "person" includes individuals, firms, corporations, associations, trusts, and other similar entities.
- G. The word "county" shall mean Talbot County, Georgia.
- H. The words "governing body" refer to the Board of Commissioners of Talbot County.
- I. The words "planning commission" refer to the Talbot County Planning Commission.

## 5.2. Definitions

When used in this 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.

**Abandoned Vehicle.** A vehicle, including cars, trucks, trailers, boats, motorcycles, recreational vehicles, mobile homes, manufactured homes, or any other similar vehicle, that meets one or more of the following conditions:

- A. Has been left unattended upon a highway, street, or alley or other public property outside a designated parking space of a period of 30 days; and/or,
- B. Is within public view and is inoperable, partially or wholly dismantled, wrecked, discarded, or of similar condition, or any vehicle without a current license plate if required by law, and is located outside of an enclosed building, garage, carport, wrecked motor vehicle compound, or other place of business designated and lawfully used for the storage of such inoperable vehicles, for a period exceeding 30 days.

**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 use 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 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, hangars, 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.

**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.

**Bar.** An establishment at which a retailer licensed to sell alcoholic beverages derives 75 percent or more total annual gross revenue from the sale of alcoholic beverages for on-site consumption (O.C.G.A. 3-1-2(2.1))

**Barrel.** In regards to distilling alcohol, a barrel is 53 gallons (O.C.G.A. 3.4.1(1)) In regards to a brewery, a barrel is 31 gallons (O.C.G.A. 3-5-1(1)).

**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.

**Brewer.** A manufacturer of malt beverages (O.C.G.A. 3-5-1(2)).

**Brewery.** A facility involved in the creation of malt beverages that produces 15,000 barrels or more (or the equivalent) per year of malt beverages.

**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 on 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 or 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.

**Certificate of Occupancy.** A document issued by the code enforcement officer certifying that a pre-owned manufactured home is in compliance with applicable requirements set forth in this Ordinance and indicating it to be in a condition suitable for residential occupancy.

**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) residency in a particular subdivision, condominium, apartment project or other residential development.

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 Talbot County Board of Commissioners.

Comprehensive Plan. A composite of the joint Talbot County/Cities of Geneva, Junction City, Talbotton and Woodland Comprehensive Plan, all accompanying maps, charts, explanatory materials, together with all amendments thereto, adopted by the Talbot County Planning Committee and the Talbot 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 approving body.

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

Day Care Center. An establishment which provides 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.

Distilled Spirits. Any alcoholic beverage obtained by distillation or containing more than 24 percent alcohol by volume (O.C.G.A. 3-1-2(8)). Includes fortified wine.

Distiller. A Manufacturer (O.C.G.A. 3-4-1(3)). Any person engaged in distilling, rectifying, or blending any distilled spirits; provided, however, that a vintner that blends wine with distilled spirits to produce a fortified wine shall not be considered a manufacturer of distilled spirits (O.C.G.A. 3-1-2(14)(A)).

Distillery. A facility where distilled spirits are manufactured (distilled, rectified, or blended).

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.

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, Semi-Detached. 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, 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.

**Enforcing Officer.** The person appointed, employed, or otherwise designated as the director of planning, permits and inspections; the county building official or his designee.

**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 included facilities for riding trails and rings, shows, competitive equestrian events and riding lessons.

**FAA.** The Federal Aviation Administration, or its duly designated and authorized successor agency.

**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".

**Farm Winery.** Domestic manufacturers of wine located on premises where agricultural products are cultivated for use in the making of the wine sold. These locations may sell their wine on the premises provided that they have a state and local license (O.C.G.A. 3-6-21.1)).

**FCC.** The Federal Communications Commission, or its duly designated and authorized successor agency.

**Flea Market.** A building or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which are 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 a 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 projected 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.



Goods. Any goods, warehouse merchandise or other property capable of being the object of sale regulated under this article.

Governing Authority. The Board of Commissioners of Talbot County, Georgia.

Ground Mounted Solar Energy System. An SES that is structurally mounted to the ground and does not qualify as an Integrated SES. For purposes of the Talbot County zoning code, any solar canopy that does not qualify as an Integrated SES shall be considered a Ground Mounted SES, regardless of where it is mounted.

The **Footprint** of a Ground Mounted SES is calculated by drawing a perimeter around the outermost SES panels and any equipment necessary for the functioning of the SES, such as transformers and inverters. The Footprint does not include any visual buffer or perimeter fencing. Transmission lines (or portions thereof) required to connect the SES to a utility or consumer outside the SES perimeter shall not be included in calculating the Footprint.

Ground Mounted SES's shall be delineated by size as follows:

- A. Small Scale Ground Mounted Solar Energy System (Small Scale SES). A Ground Mounted SES with a Footprint of less than [1 – 5] acres.
- B. Intermediate Scale Ground Mounted Solar Energy System (Intermediate Scale SES). A Ground Mounted SES with a Footprint of between [6 – 15\*] acres.
- C. Large Scale Ground Mounted Solar Energy System (Large Scale SES). A Ground Mounted SES with a Footprint of more than [16+] acres.

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 Areas 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, familial or social difficulties. A group home must comply with all state and federal regulations applying to such facilities.

Hazardous Waste. Any waste product which has been defined as a hazardous waste in regulations, promulgated by the United States Environmental Protection Agency pursuant to the federal act, which are in force and effect on February 1, 1988, codified as 40 C.F.R. Section 261.3.

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 of 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.

Hospital. 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 and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof, 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 Development Plan in a manner which provides a park like setting for industrial establishments.

Inert Landfill. A type of operation in which only waste that will not or is not likely to produce leachate of environmental concern may be disposed. Only earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, and land clearing debris such as stumps, limbs, and leaves, are acceptable for disposal.

Integrated Solar Energy System. An SES where solar materials are incorporated into building materials, such that the two are reasonably indistinguishable, or where solar materials are used in place of traditional building components, such that the SES is structurally an integral part of a house, building, or other structure. An Integrated SES may be incorporated into, among other things, a building facade, skylight, shingles, canopy, light, or parking meter.

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 the soil and/or into the waters of Talbot County.

Land Use Planning Zone (LUPZ). This is an area around a noise source which is between 60 and 65 dBA or 57 and 62 dBC and acts as a buffer to NZII. The LUPZ contour encompasses parcels where noise and smoke from prescribed burnings can approach levels typically associated with NZII.

Landfill. A type of operation in which refuse and earth or other suitable cover material are deposited in alternate layers of specific depth in accordance with a definite plan on a specified portion of open land, with each layer being compacted by force applied by mechanical equipment.

Lot. A portion of a subdivision or any other parcel of land intended as a unit for transfer of 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 line(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 line 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, ordinances 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.

Malt Beverages. Any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than 14 percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, strong beer, and hard cider. Does not include Sake, known as Japanese rice wine (O.C.G.A.3-1-2(13)).

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.

Micro-Brewery. A facility involved in the creation of malt beverages that produces fewer than 15,000 barrels per year, typically producing specialty beers and often selling its product only locally or regionally.

**Military Influence Overlay District (MIOD).** The Military Overlay District limits development in the Land Use Planning Zone, Noise Zone II and the one mile buffer of Fort Benning that could significantly compromise the training and deployment mission of Fort Benning, resulting in less realistic training and reduced operating hours at airfields and firing ranges.

**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.

**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.

**Noise Zone II (NZII).** This zone consists of an area where the daily noise level is between 65 and 75 dBA or 62 and 70 dBC. Noise exposure within this area is considered to be significant and land uses should be limited to activities that are non-noise sensitive.

**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.

**Nuisance.** Anything that causes hurt, inconvenience, or damage to another, and the fact that the act done may otherwise be lawful, shall not keep it from being a nuisance.

**Occupy.** To use land or buildings for any length of 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.

**Ordinance.** The Zoning Ordinance of Talbot County.

**Package.** A bottle, can, keg, barrel or other original consumer container (O.C.G.A. 3-1-2(16)).

**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.

**Person.** Any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or any other entity.

**Planned Unit Development (PUD).** A planned unit development is 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 Talbot 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 planning commission and the Talbot County Board of Commissioners prior to recording.

**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-Owned Manufactured Home.** Any manufactured home that has been previously used as a residential dwelling and has been titled.

**Public Utility(s).** 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 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.

**Retail Consumption Dealer.** Any person who sells distilled spirits for consumption on the premises at retail only to consumers and not for resale (O.C.G.A. 3-1-2(18)).

**Retailer (or Retail Dealer).** Except as to distilled spirits, any person who sells alcoholic beverages, either in unbroken packages or for consumption on the premises, at retail only to consumers and not for resale. With respect to distilled spirits, the term shall have the same meaning as the term "retail package liquor store" (O.C.G.A. 3-1-2(19)).

**Retail Package Liquor Store.** A retail business establishment owned by an individual, partnership, corporation, association, or other business entity:

- A. Primarily engaged in the retail sale of distilled spirits, malt beverages, and wine in unbroken packages, not for consumption on the premises; and
- B. Which derives from such retail sale of alcoholic beverages in unbroken packages at least 75 percent of its total annual gross sales from the sale of a combination of distilled spirits, malt beverages, and wine (O.C.G.A. 3-1-2(19.1)).

**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 Talbot County.

**Road.** See definition of "Street - Highway - Road".

**Rooftop Solar Energy System.** An SES that is structurally mounted to the roof of a house, building, or other structure and does not qualify as an Integrated SES.

**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 the 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.

**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), Processing, and/or Manufacturing Facility, Land Application and Disposal Facilities.** Any tract of land or facility at which solid or semisolid, or liquid residue generated during treatment of domestic sewage, industrial wastewater or combination of domestic sewage and industrial wastewater is processed, manufactured, stored, sprayed, deposited, spread, injected or applied upon beneath the land's surface, or otherwise applied to the 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, unless produced in Talbot County or by a municipality located in Talbot County.

**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.

**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.

**Slow Rate Land Treatment System.** A system for wastewater treatment by spray irrigation (land application). The term refers to the advanced treatment of wastewater by irrigation onto support vegetative growth. When properly sited, designed and operated as defined by state and local regulations, there is no direct discharge to surfaced waters. The irrigated wastewater evaporates

and transpires to the atmosphere or enters the groundwater through percolation. Organic constituents in the wastewater are stabilized by soil bacteria. Organic and ammonia nitrogen are taken up by plants, nitrified by soil bacteria, lost to the atmosphere through denitrification, and leached into the groundwater. Phosphorus and other constituents are absorbed in the soil profile and taken up by plants. Properly sited, designed and operated irrigation systems produce a percolate water of high quality and thus protect ground and surface water resources. For purposes of this ordinance, the use may include ponds (lagoons) for the temporary storage of the treated wastewater before application to the spray fields. The treated wastewater stored in the lagoons must have been treated to a level that could be sprayed without further treatment. These ponds shall have liners to prevent seepage. This land use is permitted only with the approval of the Talbot County Board of Commissioners after a recommendation by the planning commission.

**Solar Energy System (SES).** A device or structural design feature that provides for the collection of solar energy for electricity generation, consumption, or transmission, or for thermal applications.

For purposes of the Talbot County zoning code, SES refers only to (1) photovoltaic SES that converts solar energy directly into electricity through a semiconductor device or (2) solar thermal systems that use collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling.

SES as used in the Talbot County zoning ordinance excludes concentrated solar power, which uses mirrors to focus the energy from the sun to produce electricity.

**Staff.** The Talbot County Building Official.

**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 Quadrangle Map.

**Street.** A public or dedicated thoroughfare or a private right-of-way or easement shown on a recorded plat and which has been approved by the planning commission.

**Street, Connector.** A street supplementary to the major state and U.S. highway systems running throughout the country and primarily a means of intercommunication 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 Talbot 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.** All divisions of a tract or parcel of land into two (2) or more lots, building sites, campsites, or other divisions for the purpose, whether immediate or future, of sale, lease, rent, or building development, and includes all division of land involving a new street or a change in

existing streets, and includes a re-subdivision and, where appropriate to the context, relates to the process of subdividing or to the land or areas subdivided, provided; however, that the following are not included within this definition:

- A. The combination of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of Talbot County;
- B. The division of land into parcels of five (5) acres or more.

**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 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. Any vehicle designed or converted to a design with plumbing connections for attachment to outside sewage systems shall not be included in this definition.

**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.

**Use.** The specific purpose for which land or building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

**Use, Conditional.** A use that, owing to some special characteristics attendant to its operation or installation, is permitted in a district subject to approval by the planning commission, and subject to special requirements, different from those usual requirements for the district in which it may be located

**Use, Principal.** The principal 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 zoning adjustments 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.

**Vintner.** A manufacturer of wine.

**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 has adapted to the area; as mapped by the U.S. Fish and Wildlife Service.

Wholesaler (or "Wholesale Dealer"). Any person who sells alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers (O.C.G.A. 3-1-2(23)).

Wine. An alcoholic beverage derived from the fermentation of fruits, berries, grapes, or similar product that is less than 21 percent alcohol by volume. Does not include "fortified wine" or "cooking wine."

Winery. A facility that manufactures wine.

Wireless Telecommunications Facility. A tower, antenna, or any and all buildings, structures, or other supporting equipment used in conjunction with a tower or antenna.

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.

Yard Sales. All sales entitled "garage sale," "yard sale," "attic sale," "rummage sale," "flea market sale," or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of the sale.

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 materials, architectural style and design, location of structures and buffer area.

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

- A. The adoption of a zoning ordinance
- B. The adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance; or
- C. The adoption of an amendment to the zoning ordinance which rezones property from one zoning district to another.

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

## Section 6. Establishment of Districts

### 6.1. District Designations

Talbot County is hereby divided into zoning districts of such number and character as are necessary to achieve compatibility of uses within each district, to implement The Comprehensive Plan for Talbot County and the Cities of Geneva, Junction City, Talbotton and Woodland, and to serve the intents and purposes which are detailed in Section 1.

For the purposes of this ordinance, the county is hereby divided into districts as follows:

Agricultural	A-1	General Agricultural and Forestry District
Residential	R-1	Residential District
Commercial	C-1	Commercial District
Industrial	I-1	Industrial District
{Floating}	{CORD} {MHU-1} {PUD}	{Commercial Outdoor Recreation District} {Manufactured Housing Unit District-Parks} {Planned Unit Development}

### 6.2. Official Zoning Map

The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the maps entitled "Zoning Map of Talbot County, Georgia." Said map shall also be identified by the signature of the clerk of the board of commissioners and the date of adoption of this ordinance. The zoning maps and all explanatory matters thereon are hereby adopted and made a part of this ordinance.

Changes made in district boundaries of other matters portrayed on the zoning maps shall be entered on said maps promptly after such change has been approved by the governing authority 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 amendment to this ordinance which involves matters portrayed on the zoning maps shall become effective until such change and entry has been made on said maps.

Zoning maps shall be kept and maintained by the zoning official/building inspector and shall be available for inspection and examination by the public during posted business hours.

### 6.3. Interpretation of Zoning Boundaries

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

- A. Boundaries shown as following or approximately following streets, highways or alleys shall be construed to follow the center lines of such streets, highways or alleys.
- B. Boundaries shown as following or approximately following railroad lines shall be construed to follow the right-of-way of said railroad line.
- C. Boundaries shown as following or approximately following platted lot lines or other property lines shall be construed to be said lot lines.

- D. Boundaries indicated as following or approximately following shorelines shall be construed to follow such shorelines and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as following or approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
- E. Boundaries indicated as following or approximately following the county line or the city limit line or land lot line shall be construed to be such boundaries.
- F. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.

When the application of the aforementioned rules leaves a reasonable doubt as to the boundaries between two (2) districts, the applicant may request and shall be granted a hearing by the planning commission who will then make a recommendation to the Talbot County Board of Commissioners, for the purpose of defining the boundaries.

#### **6.4. 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 of 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)

### **Section 7. Purpose and Intent of Zoning Districts**

The following sections specify the purpose and intent of the zoning districts established by this ordinance. Uses specified in this section are examples only. Specific uses allowed in each district are defined in Section 9.

**A-1 General Agricultural and Forestry District.** The agricultural/forestry district is established to maintain those areas with land characteristics, such as soil moisture, temperature and content suitable for farming, forestry operations 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. Certain agricultural uses are referred to as a conditional use and are subject to approval by the planning commission.

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

**R-1 Residential District.** The residential district is established to preserve land areas for single dwelling unit structures and to promote residential areas with low densities. 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 which are more compatible with residential uses may be permitted on review by the planning commission. Public water is required.

**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 these districts should be located on major thoroughfares, arterial streets or collector streets and the associated street network. The location and development of these commercial activities shall be encouraged so as to minimize traffic hazards and interference with adjacent uses.

- 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 ten (10) acres.

- 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 Talbot County Board of Commissioners.

- 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 the 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 manufacture home parks for long term residential use rather than transient travel trailer use.

- 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 an approved development plan.

No new PUD districts may be created which contain less than fifty (50) acres.

## **Section 8. District Regulations**

Within the Zoning Districts established there are uses permitted, density limitations imposed, and special requirements set forth. This section establishes those uses permitted, uses prohibited, required lot area, density limitations, setbacks, height limitations and sets forth certain special regulations in order to achieve compatibility and to implement the Talbot County Comprehensive Plan.

### **8.1. Uses Permitted In All Districts**

There shall be permitted in all districts the following uses:

- A. Public Utilities (but not including power and gas substations and pumping stations).

B. Accessory Buildings and Uses.

**8.2. 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 planning commission, 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 use[s] and activity[ies], a physical description of proposed facilities accommodating such uses, and a general location of public utilities.

- A. Public Buildings of a governmental nature, including libraries.
- B. Public Utilities, not otherwise specified, including power and gas substations, telecommunication systems and pumping stations.
- C. Customary Home Occupations/Offices.
- D. Semi-public buildings and uses, including private schools and churches.
- E. Public and Private School Buildings and Associated Uses, Vocational Schools, Research and Training Facilities.
- F. Public Recreational Facilities, including parks, playgrounds, stadiums, etc.
- G. General Hospitals, including Nursing Homes, Group Homes, and Personal Care Homes.
- H. Day Care Centers, Nurseries and Kindergartens.

**8.3. Specific 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 and use 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					
Area Requirements	A-1	R-1	C-1	I-1****	MHU-1 (see Section 8.4)
Minimum Lot Size (s.f.)	217,800	43,560	10,000	217,800	
Minimum Lot Area per family	217,800	43,560	N/A	N/A	
Minimum Lot Width (ft.)	100	100	50	100	
Front Yard Setback (ft.)	75	75	20	75	
Rear Yard Setback (ft.)	75	25	20*	75***	
Side Yard Setback (ft.)	50	10	**	40****	
Street Side Yard Setback (ft.)	50	40	20	75	
Maximum Building Area (%)	25%	25%	50%	50%	
Maximum Building Height (ft.)	120	35	35	35	

\* A rear yard setback of 20 feet shall be required when a rear yard abuts a residential district, and 20 feet of the setback shall be planted with a buffer strip of shrubs and trees to provide an aesthetic appearance.

\*\* A side yard setback of 25 feet shall be required where a side yard abuts a residential district, and 20 feet of the setback shall be planted with a buffer strip of shrubs and trees to provide an aesthetic appearance.

\*\*\* When a rear yard abuts a residential district, 20 feet of the setback shall be planted with a buffer strip of shrubs and trees to provide an aesthetic appearance.

\*\*\*\* A side yard setback of 50 feet shall be required where a side yard abuts a residential district, and 20 feet of the setback shall be planted with a buffer strip of shrubs and trees to provide an aesthetic appearance.

\*\*\*\*\* A green belt of five (5) feet shall be required on three (3) sides of the property unless waived by the Talbot County Planning Commission.

#### **8.4. Detailed Regulations for MHU-1 District**

##### **Minimum Park Requirements:**

- Area: 3 acres and ten spaces available for immediate occupancy. 7,500 square feet of land area for each manufacture housing unit to be parked.
- Yards: Front - 50 feet; rear and side - 25 feet.
- Height: Maximum one story or 15 feet.
- Open Space: 150 square feet of park and recreation area per mobile home space.
- Space Width: 40 feet minimum.
- Front Yard: 10 feet minimum.
- Side Yard: 20 feet between manufactured housing units.
- Rear Yard: 25 feet minimum.
- Parking: 2 spaces for each manufactured housing unit.

##### **8.4.1. Other Requirements:**

- A. Survey site plan required shall include the following: name and address of owner, vicinity map, with a minimum scale - 1" = 100', north arrow, numbered lots, lot numbers, size of lots, street layout, trash container(s) location, location of all utilities including sewage, unless originally approved with site plans - accessory building or additions to manufactured housing units allowed.
- B. Access roads within manufactured housing unit parks shall not be less than twenty (20) feet and shall be paved with a hard surface treatment.
- C. 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.
- D. Each manufactured housing unit space shall be equipped with a pad ten (10) feet for a single-wide, twenty (20) feet for a double-wide by forty-five (45) feet long of six (6) inches of compacted gravel or other similar material.
- E. 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.
- F. Manufactured housing units may not be used for nonresidential use within manufactured housing unit park except for the manufactured housing unit park office.
- G. 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).

- H. 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.
- I. An approved trash container(s), to be compatible with Talbot County's sanitation service, shall be located within one hundred fifty (150) feet of any manufactured housing unit park and shall be screened by a solid opaque fence of adequate height to screen from view any material in the container. Such trash containers shall be provided by the manufactured housing unit park owner/operator.
- J. 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.
- K. 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 Talbot County Building Official for said location. A registration shall be required to be kept on premises of all lots rented, leased, or otherwise conveyed to include date, name, address, phone, lot number, size and model.
- L. A buffer evergreen strip of at least 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.
- M. Skirting: All manufactured 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.
- N. Access Doors: All units shall have a minimum of an 18" x 24" latchable access door and required crawl space venting.
- O. Anchors: All units shall be provided with anchors as required by the latest published edition of the CABO One and Two Family Dwelling Code.
- P. Inspection: Before electric service is given any manufactured housing unit, the unit and the lot upon which it is located shall be inspected by the Talbot County building official after the necessary permits are approved, and all other requirements of this ordinance and other laws, and codes, affecting said location are met.
- Q. Travel Trailers. Manufactured housing unit space shall not be used for the permanent accommodation of travel trailers or recreational vehicles under any circumstances.
- R. 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 Marshal's Office and manufactured after June 15, 1976 prior to issuance of a permit.



### **8.5. 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.

#### **8.5.1. 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.

#### **8.5.2. Preliminary Development Plan**

A person applying for a zoning amendment to establish a PUD district shall submit a Preliminary Development Plan to the planning commission, consisting of:

- A. A site plan showing:
  - 1. The direction of north, appropriate scale and topography.
  - 2. The location of subject property in relation to the entire county.
  - 3. The use of the property adjacent to the site.
  - 4. The proposed use of land and density of development for the site.
  - 5. Proposed access to, and traffic circulation within, the site.
- B. A proposed development schedule for the project.
- C. The Planned Development 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.
- D. The planning commission and board of commissioners shall review and act on the proposed zoning request and any amendment to an approved Preliminary Development Plan in accordance with the zoning ordinance.

#### **8.5.3. 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 planning commission, which is consistent with the Preliminary Development Plan, and containing:

- A. A site plan showing:
  - 1. The direction of north, appropriate scale and topography in not greater than five foot contour intervals.
  - 2. The proposed location and height of all structures.
  - 3. The use of all structures and land.
  - 4. The location and use of structures adjacent to the site.

5. The location, area and number of parking spaces and maneuvering areas.
  6. The location and dimensions of streets, driveways, and walks on and off the site.
  7. All service and loading areas and spaces.
  8. The location, size, number and character of all exterior signs and lighting.
  9. The location, character and extent of existing vegetation landscaping, retaining and screen walls and other treatment for the protection of adjoining property.
  10. The facilities for surface drainage of the premises.
  11. Location and character of all public improvements including utilities.
- E. A copy of any deed restrictions to be recorded.
  - F. 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.
  - G. A development schedule indicating the appropriate date when construction of the planned development or stage thereof can be expected to begin and be completed.
  - H. Any other information necessary to establish compliance with this and other ordinances of the availability of adequate utility capacity.
  - I. 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.
  - J. The public improvements included in the final development plan shall be consistent with the Talbot County Subdivision Regulations. Compliance with said regulations shall be reviewed as part of the final development review process.
  - K. 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 Talbot County Board of Commissioners.
  - L. Structures and open space 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.
  - M. Scenic assets and natural features, such as trees, streams, and topographic features, shall be protected and preserved to the greatest extent possible.
  - N. Not more than 50% of the gross tract area shall be covered by buildings in the PUD.
  - O. 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.

- P. 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 50 feet from any public road right-of-way.
- Q. Adequate screening and separation between different land uses shall be provided by means of buffering or other acceptable methods.
- R. 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.
- S. The PUD shall include provisions for safe and convenient pedestrian access and circulation.

#### **8.5.4. Final Development Plan Review**

- A. Upon receipt of an applicant's Final Development Plan, the planning commission 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 planning commission a report pertinent to their respective jurisdiction and concerns.
- B. The planning commission shall review the applicant's Final Development Plan and within ninety (90) days following the applicant's submission of the plan to the planning commission 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.

#### **8.5.5. Amending Final Development Plan**

- A. The Final Development Plan may be amended by the planning commission, provided the procedure specified (in the previous section) for review and approval is followed.
- B. 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.

## **8.6. Detailed Regulations for CORD Commercial Outdoor Recreation Development**

- A. A site plan for the total acreage must be submitted to the planning commission 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.
- B. Amendments to the site plan must be submitted to the planning commission for review and forwarded to the board of commissioners for final approval.
- C. When a CORD abuts a public road, the minimum setback requirements shall be those of the most restrictive adjacent zoning district.
- D. A green belt of 20 feet shall be required on 3 sides of the property.
- E. Off-street parking as required in Section 13.3.

## **8.7. Detailed Regulations for Military Influence Overlay District**

Based on the recommendations of the *Fort Benning Joint Land Use Study* (May, 2008), there is hereby established the Military Influence Overlay District, shown on the Official Zoning Map of Talbot County, which is hereby adopted and made a part of this Ordinance. Development within the Military Influence Overlay District shall comply with the provisions of this Ordinance.

The regulations established for this district are intended to limit land uses that are incompatible to the training activities on Fort Benning and to provide for communication, coordination and consultation between the County and Fort Benning on potential noise and prescribed burning events on the military installation and all rezoning and subdivision activities within the Fort Benning Land Use Planning Zone (LUPZ), Noise Zone II (NZ2) and the one mile buffer of Fort Benning.

The regulations prescribed for this district shall not be construed to require the removal of, lowering or changes to any existing building, tower or structure as of the effective date of this ordinance. Further, should any existing tower, building or structure require maintenance or replacement, not to exceed its original height and dimensions, nothing in this act will prevent such maintenance or replacement. No future use of the land and no future construction of any structure shall be allowed which is inconsistent with this ordinance.

### **8.7.1. Uses**

Uses such as low-density manufacturing, retail, government facilities, and agriculture are deemed compatible.

Noise sensitive uses, such as housing, schools, medical facilities or places of worship; uses that tend to concentrate large numbers of people (certain higher residential densities, schools, churches, hospitals, sports stadiums, shopping malls) are generally deemed incompatible, but may be allowed depending on the level of exposure to excessive noise and accident potential and contingent upon the use of noise level reduction measures in the construction of the building and/or site.

Uses that can interfere with safe air navigation, such as tall structures, or activities that throw off excessive lighting, smoke or dust and may impair vision are deemed incompatible.

### 8.7.2. Development Standards

- A. Density: Limit single-family residential density to 1-2 dwelling units per acre in the LUPZ and one-mile buffer; limit density to 1 dwelling unit per 5 acres in the NZII.
- B. Noise: When noise-sensitive structures are either located within or are planned to be located within the LUPZ and the NZII, building standards need to incorporate noise level reduction measures of at least 23 dB and 30 dB to provide a level of sound attenuation compatible with occupancy.

Measures such as building location and site planning, design, the use of forested buffers and of berms and barriers can help mitigate outdoor noise exposure from ground level transportation sources. These actions are preferred wherever practical to measures that only protect interior spaces.




All re-zonings and subdivision developments require a signed Noise Easement from the property owner before review by the planning commission.

Buyers and sellers of real property are required at time of contract signing and before settlement to make prospective buyers and renters of real property within the LUPZ and NZII aware of noise routinely generated from Fort Benning testing and training ranges and military aerial training routes.

- C. Lighting: Outdoor lighting systems (streetlights, lighted signage, lighted canopies associated with general retail, or exterior security lighting associated with large buildings) that allow significant light to travel upward into an otherwise darkened sky are allowed contingent upon the use of light pollution reduction measures.
- D. Height: No building or structure shall be erected or built in the LUPZ and NZII that exceeds 150 feet above ground level (AGL).
- E. Interference or Impairment: No use may be made of the land contained in the LUPZ and NZII which will create electrical interference with radio communications between aircraft and the base, confuse or impair visibility or otherwise endanger the landing, taking off or maneuvering in any manner of aircraft using the base and its related gunnery and bombing range.



## Land Use Noise Sensitivity Matrix

		55-65 DNL	65-75 DNL	75+ DNL
 <b>Residential</b>	1-2 Family	Yellow	Red	Red
	Multi-Family	Yellow	Red	Red
	Mobile Homes	Yellow	Red	Red
	Dorms, etc.	Yellow	Red	Red
 <b>Institutional</b>	Churches	Yellow	Red	Red
	Schools	Yellow	Red	Red
	Hospitals	Yellow	Red	Red
	Nursing Homes	Yellow	Red	Red
	Libraries	Yellow	Red	Red
 <b>Recreational</b>	Sports/Play	Yellow	Yellow	Red
	Arts/Instructional	Yellow	Yellow	Red
<b>Commercial</b>	Camping	Yellow	Yellow	Yellow
<b>Commercial</b>	All Uses	Yellow	Yellow	Yellow
<b>Industrial</b>	All Uses	Yellow	Yellow	Yellow
<b>Agricultural</b>	All Uses	Yellow	Yellow	Yellow

Per Far Part 150	Compatible	Yellow
	Incompatible	Red

Source: Federal Aviation Administration

## Section 9. Permitted Uses in Zoning Districts

The following matrix indicates uses permitted in all districts (Y), uses prohibited (N), and conditional uses permitted after review by the planning commission and approved by the county commission (C).

PERMITTED USES	A-1	R-1	C-1	I-1	MHU-1	CORD
<b>Agricultural</b>						
Chipmill	C	N	N	Y	N	N
Concentrated Animal	C	N	N	N	N	N
Commercial Swine Feeding Operation	N	N	N	N	N	N
Crops (Field)	Y	N	N	N	N	N
Dairies	C	N	N	N	N	N
Deer & Game Processing	Y	N	C	N	N	N
Fruits, Tree Nuts, Vegetables; Processing	Y	N	N	Y	N	N
Non-Processing	N	Y	C	N	N	N
Greenhouse or Plant Nursery, Commercial	N	N	Y	N	N	N
Livestock, Fish & Birds	Y	N	N	N	N	N
Livestock Sales Pavilion, . or Farmer's Market	Y	N	C	C	N	N
Poultry Producers, Egg Producers	C	N	N	C	N	N
Produce Stands	Y	N	Y	N	N	N
Slaughterhouses, Processing Plant	C	N	N	C	N	N
Stable (Riding) Private	Y	N	N	N	N	N
<b>Animal Care Facilities</b>						
Animal Hospital and Veterinary Clinics	N	N	Y	N	N	N
Kennels: Boarding and Breeding	N	N	C	N	N	N
Pet Grooming Shops	N	N	Y	N	N	N
<b>Automotive and Farm Equipment Sales and Service</b>						
Automobile Sales	N	N	Y	N	N	N
Boat Sales	N	N	Y	N	N	N
Boat Service	N	N	Y	N	N	N
Farm Equipment						
Sale, Lease and Rentals (Principal Use)	C	N	Y	N	N	N
Sale, Lease and Rentals (Accessory Use)	C	N	Y	N	N	N
Parts and Tire Store	N	N	Y	N	N	N
Paint Shops	N	N	Y	N	N	N
Repair Shops	C	N	Y	N	N	N
Service Station	C	N	Y	N	N	N
Tire Re-treading and Recapping	C	N	Y	N	N	N
Trailer Sales	N	N	Y	N	N	N
Upholstery Shop	C	C	Y	N	N	N
Vehicle Storage (See Storage)	N	N	Y	C	N	N
Wash Service						
<b>Building Materials</b>						
Retail Building Material Establishments	N	N	Y	N	N	N
Electrical Supply Store	N	N	Y	N	N	N
Paint, Glass and Wallpaper Stores	N	N	Y	N	N	N
Plumbing and HVAC Equipment Dealers	N	N	Y	N	N	N
Wood and/or Lumber Production (Saw Mill)	C	N	N	Y	N	N

PERMITTED USES	A-1	R-1	C-1	I-1	MHU-1	CORD
<b>Communication</b>						
Billboards	N	N	N	N	N	N
Broadcasting Stations	C	N	N	C	N	N
Telephone Business Exchange	C	N	C	C	N	N
Transmission Towers	C	N	C	N	N	N
Wireless Telecommunications Facility	C	C	C	C	C	C
<b>Construction Contractor</b>						
With Equipment and Material Yard	N	N	Y	C	N	N
Without Equipment and Material Yard	Y	N	Y	Y	N	N
<b>Education</b>						
Research and Training Facility	C	N	Y	C	N	N
Schools (Public and Private)	C	C	C	C	C	C
Vacation Schools	C	C	C	C	C	C
<b>Manufacturing</b>						
Alcohol or Alcoholic Beverage	C	N	C	Y	N	N
Bar	C	N	Y	Y	N	N
Brewery	C	N	C	Y	N	N
Micro-Brewery	C	N	C	Y	N	N
Distillery	C	N	C	Y	N	N
Farm Winery	C	N	C	Y	N	N
Winery	C	N	C	Y	N	N
Asphalt Plants	N	N	N	Y	N	N
Automobile and Truck Manufacture	N	N	N	Y	N	N
Industrialized Buildings Manufacture	N	N	N	Y	N	N
Brick, Clay, Tile or Concrete Products	N	N	N	Y	N	N
Cement, Lime Gypsum or Plaster of Paris	N	N	N	Y	N	N
Chemical, Organic and Inorganic	C	N	C	Y	N	N
Distillation of Beverages	N	N	N	Y	N	N
Distillation of Bones and Glue Manufacture	N	N	N	Y	N	N
Dye Works	N	N	N	Y	N	N
Explosive Manufacture or Storage	N	N	N	N	N	N
Fat Rendering and Fertilizer Manufacture	N	N	N	N	N	N
Manufacturing and/or Processing Facility of Sewage Sludge (Bio-Solids)	N	N	N	N	N	N
Ice Manufacturing Plants	N	N	N	Y	N	N
Petroleum Refining	N	N	N	Y	N	N
Sand Mining and Rock Quarry	N	N	N	Y	N	N
Smelting of Metal ores	N	N	N	Y	N	N
Sugar Refineries	N	N	N	Y	N	N
Food Processing	N	N	N	Y	N	N
Pallet Manufacture	N	N	N	Y	N	N
Any Other Processing or Assembly of Goods	N	N	N	C	N	N
<b>Recreation, Amusement, Entertainment</b>						
Assembly Halls	C	N	C	N	N	N
Billiards and Pool Hall/Game Room	N	N	C	N	N	C
Bowling Alley and Skating Rinks	C	N	C	N	N	C
Civic, Social, and Fraternal Organizations	C	N	Y	N	N	Y
Cultural Facilities	C	N	Y	N	N	Y
Indoor Fitness Center	C	N	Y	N	N	Y



PERMITTED USES	A-1	R-1	C-1	I-1	MHU-1	CORD
Indoor/Outdoor Fitness Center	C	N	C	N	N	Y
Movie Theater/Live Performance Theater	C	N	C	N	N	Y
Parks (Private)	C	C	C	N	N	Y
Parks (Public)	C	C	C	C	C	C
Recreation Centers	N	N	C	N	N	Y
<b>Activity Conducted Primarily Outside Enclosed Building or Structure</b>						
Public or Privately Owned Recreational Facilities i.e., Golf and Country Club, Hunting Preserves, Swimming or Tennis Clubs, Shooting, Trap and Skeet Ranges, etc.	C	N	N	N	N	Y
Golf Driving Range, Miniature Golf	C	N	N	N	N	Y
Skateboard Park, Bicycle Race Track	C	N	N	N	N	C
Automobile or Motorcycle Go-Cart Tracks, etc.	N	N	N	N	N	C
Parks, Campgrounds, Campsites, and Primitive Campsites	C	N	N	N	N	Y
Stables (Riding) Commercial	Y	N	N	N	N	Y
Carnival, Rodeo, Horse Show, Shooting Event, Athletic Event or Community Fair	C	N	N	N	N	Y
<b>Residential Uses</b>						
Single Family	Y	Y	C	N	N	N
Duplex	N	C	C	N	N	N
Apartments		C	C	B	N	N
Townhouse		C	C	N	N	N
Patio Houses		C	N	N	N	N
Zero-Lot Line Houses		C	N	N	N	N
Other High Density		C	N	N	N	N
Manufactured Housing Unit	Y	Y	N	N	Y	N
Industrialized Building	Y	Y	C	N	Y	N
<b>Houses for Handicapped or Infirm and Child Care</b>						
In-House Day Care	Y	Y	C	N	C	N
Group Day Care Center	C	C	C	N	N	N
Nursery/Kindergarten	C	C	C	N	N	N
Adult Day Care	C	C	C	N	N	N
Personal Care Home (Family)	C	C	C	N	N	N
Personal Care Home (Group or Congregate)	C	C	C	N	N	N
<b>Miscellaneous Rooms for Rent</b>						
Rooming House, Boarding House	Y	C	C	N	N	N
Bed and Breakfast	Y	N	Y	N	N	N
Hotels, Motels, and Similar Business	N	N	Y	N	N	N
Temporary Emergency Construction Repair Residences	C	C	N	N	C	N
Travel Trailer Court	C	N	N	N	N	N
<b>Religious Facilities</b>						
Churches	C	C	C	N	C	N
Meetings (Temporary)	C	C	C	N	C	N
<b>Restaurants, Bars, Night Clubs</b>						
Alcohol Drinking Establishments	N	N	Y	N	N	N
Drive-In Restaurants	N	N	C	N	N	N

PERMITTED USES	A-1	R-1	C-1	I-1	MHU-1	CORD
Dine-In Restaurants (Only)	Y	N	Y	N	N	N
Dine-in, Carry Out, Delivery Restaurants	C	N	C	N	N	N
Carry-Out, Delivery Services (Only)	C	N	C	N	N	N
<b>Retail Trade</b>						
Apparel and Accessory Stores	N	N	Y	N	N	Y
Bicycle Sales	N	N	Y	N	N	Y
Books and Stationary Stores	N	N	Y	N	N	Y
Camera and Photographic	N	N	Y	N	N	N
Drugstores	C	N	Y	N	N	N
Farm and Garden Supply Stores	C	N	Y	N	N	N
Flea Market	N	N	Y	N	N	N
Florists	N	N	Y	C	N	N
Food Stores	N	N	Y	N	N	N
Food Stores (Including the Minor Manufacturing of Food)	N	N	Y	N	N	N
Furniture, Home Furnishings and Equipment Stores	N	N	Y	N	N	N
Gift, Novelty, Antique and Souvenir	N	N	Y	Y	Y	N
Hardware and General Merchandise Shops	N	N	Y	N	N	C
Hobby, Toy and Game Shops	N	N	Y	N	N	N
Jewelry Stores	N	N	Y	N	N	C
Liquor Stores	N	N	Y	N	N	C
Merchandise Store (Specialized)	C	N	Y	N	N	N
Manufactured Housing Units Sales and Storage	N	N	Y	N	N	N
News Dealers and Newsstands	N	N	Y	N	N	N
Sales of Goods (Produced and Processed on Premises)	N	N	Y	N	N	N
Sporting Goods Stores	N	N	Y	N	N	N
Tobacco Shop or Stand	N	N	Y	N	N	N
<b>Services</b>						
Artisan	C	N	Y	N	N	N
Barber and Beauty Shops	C	N	Y	N	N	N
Business Service Establishments	N	N	Y	N	N	N
Dancing School	C	N	Y	N	N	N
Diaper Service	N	N	C	Y	N	N
Dry Cleaning Plants and Power Laundries	N	N	Y	C	N	N
Laundries (Coin Operated)	N	N	Y	C	N	N
Laundry and Dry Cleaning Pick-up Stations	Y	N	Y	N	N	N
Alterations	N	N	C	Y	N	N
Moving Service	N	N	Y	N	N	N
Offices (i.e., Accountants, Financial Institutions, Lawyers, Doctors, Real Estate, Other Professionals and Businesses)	N	N	Y	N	N	N
Photographic Studies	C	N	Y	N	N	N
Repair Shops (i.e., Jewelry, Small Appliance, T.V., Radio)	C	N	Y	N	N	N
<b>Storage</b>						
Mini-Warehouses	N	N	N	Y	N	N
Scrap or Junkyards	N	N	N	Y	N	N
Storage and Maintenance (Equipment and Vehicle)	N	N	N	Y	N	N
Warehousing	N	N	N	Y	N	N



## Section 10. Determination of Unclassified Uses

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, and where such use is not specifically prohibited from the district, the following provision shall apply:

- A. The building/zoning official shall submit to the planning commission a written request for determination of the unclassified use.
- B. The planning commission determines that the use is of a similar character and meets the intent of the uses permitted within the district, then they shall instruct the building official to issue a permit.
- C. In the event that the planning commission 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, then the applicant shall apply for a conditional use permit subject to approval in the normal manner.
- D. 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.
- E. Once the use has been allowed or disallowed by the planning commission, it shall then be considered classified under the appropriated category in the district.

## Section 11. Non-conforming Use

- A. Any structure or use of land existing at the time of the 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 become 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 not be replaced after it is removed from the property.
- B. The board of commissioners may grant the change, re-establishment, enlargement, rebuilding, alteration, repair or replacement of a non-conforming structure upon the following findings:
  - 1. The change, re-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 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,
  5. 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.
- C. Applications submitted to the board of commissioners requesting the change, re-establishment, enlargement, rebuilding, alteration, repair or replacement of a nonconforming 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 or 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. This 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 current zoning, health and building requirements.
- D. 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.

## Section 12. Existing Lots of Record

Any lot or parcel of land in any district which was on record in the Office of the Clerk of the Superior Court of Talbot County at the date of the adoption of this Ordinance, or amendment thereof, which does not adjoin undeveloped land (or land which has been subdivided but a building permit has not been issued for the site), under the same ownership may be used as a building site even though such lot or parcel fails to meet the minimum requirements for lot area, lot width or both. With respect to such lots or parcels, yard requirements and other requirements shall be subject to the following:

- A. Meet applicable set-back requirements.
- B. Not to exceed the maximum lot coverage requirements.
- C. Must have an approved on-site sewage permit from the Talbot County Board of Health.

## Section 13. Supplementary District Regulations

### ***13.1. 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 materially to impede vision between a height of two and a half (2 1/2) 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.

### ***13.2. Off-premises signs.***

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

- A. Off-premise signs are permitted in C-1 and I-1 zoning districts.
- B. 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.
- C. There shall be a minimum distance of eight hundred (800) feet between all off-premises signs.

### ***13.3. Off-street parking***

#### **13.3.1. Requirements for Off-Street Parking:**

The following minimum number of parking spaces shall be required of the nonresidential uses specified below in all districts.

- A. Agriculture Uses: One (1) space per employee on the largest shift.
- B. 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.
- C. 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 has 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.
- D. Other commercial and entertainment uses:
  - 1. 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.
  - 2. Funeral Home. One (1) space per one hundred (100) square feet of gross floor area of customer sales and service.

3. 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.
4. Hotel or Motel. One (1) space per room or suite, plus one (1) space 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).
5. Private Clubs. One (1) space per four (4) persons to the maximum capacity of the facility.
6. 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.
7. Restaurant, standard. One (1) space 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.
8. School, commercial or trade. One (1) space per four (4) students, plus one (1) space per employee (including faculty) at capacity class attendance period.
9. Shopping Center. Five (5) spaces per one thousand (1,000) square feet of gross floor area of customer sales and service.
10. 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 a facility's providing written proof that it has the use of a nearby parking lot available to its patrons (e.g., by contractual arrangement).

Commercial/Recreational Uses (except as designated 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.

11. Other commercial/recreational uses.
12. Bowling Alley. Five (5) spaces per lane, plus one (1) space per employee on the largest work shift.
13. Drive-in Theater. One (1) space per automobile station, plus one (1) space per employee.
14. Golf driving Range. One (1) space per tee, plus one (1) space per employee on the largest work shift.
15. Miniature Golf. One and one-half (1.5) spaces per hole, plus one (1) space per employee on the largest working shift.
16. Outdoor Theater. One (1) space per three (3) patrons to the maximum capacity of the facility inclusive of both indoor and outdoor capability.

17. Skating rink, ice or roller. One (1) space per three hundred (300) square feet of gross floor area or customer sales and service.
18. 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.

19. Truck Terminal. One (1) space per employee on the largest shift, plus one (1) space per truck normally parked on the premises, 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.
20. 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.
21. 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.
22. 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.

23. Church. One (1) space per four (4) seats of maximum capacity.
24. 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.
25. Day or Nursery School. One (1) space per teacher/employee on the largest shift, plus one (1) off-street loading space per six (6) students.
26. Group Dwellings. One (1) space per bedroom or sleeping room.
27. Libraries and Museums. 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.
28. 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.
29. 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.
30. Tennis, Racquetball, Handball Courts. Four (4) spaces per court, plus one (1) space per employee on the largest shift.



31. Commercial Support Uses. One (1) space per employee on the largest shift, plus one (1) space per company vehicle regularly stored on premises.
32. Veterinary Office (with enclosed kennels and/or pens). Three (3) spaces per doctor, plus one (1) space per employee on the largest shift.
33. 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.
34. 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.

Other office Uses.

35. 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.
36. 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.
37. Outdoor Recreational Uses. One (1) space per five (5) expected patrons at capacity.
38. Golf Courses (nine and eighteen hole). Thirty (30) spaces per nine (9) holes, plus one (1) space per employee on the largest shift, plus fifty (50) percent of spaces otherwise required for any accessory uses (e.g., bars, restaurants).
39. Golf, par three. Twenty (20) spaces per nine (9) holes, plus one (1) space per employee on the largest shift.
40. Outdoor Swimming Pool. One (1) space per seventy-five (75) square feet of gross water area.
41. 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.
42. 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.
43. Convenience Store. One (1) space per one hundred (100) square feet of gross floor area of customer sales and service.
44. 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.

45. 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.
46. Truck Stop. One (1) space per each twenty-five hundred (2500) square feet of gross site area, but not less than eight (8) per each such use.
47. 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 areas used for outside display of automobiles must be hard surfaced according to the standards for parking areas.
48. 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.
49. Residential Uses. Two (2) spaces per each dwelling unit.

#### **13.3.2. Establishment of Off-Street Parking:**

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

- A. 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.
- B. 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.
- C. All areas 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.
- D. All areas devoted to permanent off-street parking shall be of a hard surface or in such manner that no dust will result from continuous use. Each off-street parking space shall be clearly marked or otherwise defined. Gravel or plant mix is also acceptable.
- E. No off-street parking space shall extend beyond any lot line; and where an off-street parking space abuts a residential lot line, a setback line of five (5) feet shall be established.
- F. All areas devoted to ingress or egress in a commercial, industrial or multifamily zone shall be denoted by curbing.

#### **13.4. 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.

#### **13.4.1. Requirements for Off-street Loading and Unloading Space:**

- A. 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.
- B. 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.
- C. No street or alley shall be considered as part of the off-street loading or unloading area.
- D. All areas for loading and unloading shall be so designed and located to permit traffic to exit facing a street or alley.
- E. Off-street loading and unloading spaces may occupy all or any part of any required yard area.

#### **13.5. Public Street Frontage**

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

#### **13.6. 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.

#### **13.7. Automobile Wrecking, Junkyards, Body Shops and Motor Vehicle Garage**

##### **13.7.1. Location of Automobile and Junkyards:**

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

##### **13.7.2. Screening:**

All outdoor storage of salvage and wrecking operations shall be conducted within an 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.

### **13.7.3. 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 greater than forty-eight (48) hours.

## **13.8. Cemetery (Commercial)**

### **13.8.1. Location**

All cemeteries hereafter established shall have direct access to major thoroughfares with ingress and egress so designed to minimize traffic congestion.

### **13.8.2. Size**

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 25 feet from any lot line.

## **13.9. Customary Home Occupations**

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

- A. 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.
- B. No internal or external alterations shall be made which are not customary to dwellings.
- C. 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.
- D. The entrance of the space devoted to a customary home occupation may be from within the building or a private outside entrance.
- E. No display shall be permitted of goods or services which are visible from the outside of the structure except for one (1) nonilluminated sign having an area of not more than two (2) square feet which may be placed flat on a door, wall or window.
- F. Customary home occupations will be limited to goods and services provided to individuals or groups not exceeding, at any given time, five (5) in number.
- G. Telephone Service: Home occupation for telephone service only is permitted but shall be restricted to that use only.
- H. 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 vehicles at said property over twenty-four (24) hours.

### **13.10. Manufactured Housing Unit Compatibility**

- A. The manufactured housing unit must have a pitched roof and be covered with material that is residential in appearance, including, but not limited to, wood shingles, concrete, fiberglass, metal, slate, built up gravel materials, or other materials that comply with State law and are approved by the building official.
- B. The exterior siding must be residential in appearance, including, but not limited to, clapboards, simulated clapboards, such as conventional vinyl or metal siding, wood shingles, shakes, or similar materials that comply with State law and are approved by the building official.
- C. The manufactured housing unit must have a measured minimum width dimension of at least fourteen (14) feet in width.
- D. The manufactured housing unit must be placed on a permanent foundation and be anchored in a manner that complies with State law.
- E. The manufactured housing unit must have the area underneath the home completely underpinned. The underpinning shall be either rock, brick, concrete block, concrete with stucco type finish, vinyl, masonite or other material that comply with State law and are approved by the building official. The unit shall have a hinged and latchable access door and required crawl space venting that complies with State law.
- F. The hitch, axles and wheels must be removed from the unit when placed.
- G. 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. Any unit not purchased directly from a factory or purchased new from a dealer must be inspected for condition before it is moved to the county. A fee will be charged for this service. See Section 20. All units must meet the State rules and regulations governing manufactured housing units. Once a unit passes inspection and required fees are paid, the county inspector shall issue a permit.
- H. At the front entrance door there must be a landing that is a minimum of thirty-two (32) square feet. At the back entrance door there must be a landing of sixteen (16) square feet.
- I. The compatibility standards set forth in this section shall apply to all manufactured housing units in Talbot County regardless of zoning district, except for those located in a MHU-1 district.

### **13.11. Swimming Pool**

The following regulations shall apply to swimming pools:

- A. 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 -- Commercial Swimming Pools.*

### **13.12. Gasoline Service Stations**

The following regulations shall apply to all gasoline service stations:

- A. 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.
- B. Gasoline pumps 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.

### **13.13. 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 seventy-two (72) hours unless such vehicles and equipment are stored in a carport, enclosed building, or behind the nearest portion of a building to a street.

### **13.14. Airports**

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.

### **13.15. Inert Landfill**

Permits for inert landfills must be approved by the appropriate state agencies and notifications of adjacent property owners prior to approval by county commissioners. Inert landfills approved by the appropriate state agency for handling such permits and operations will be allowed to operate without expanding said operation. Any such expansion must have all necessary approvals with notifications of all adjacent property owners.

### **13.16. Public Nuisances**

#### **13.16.1. Illustrative Examples of Nuisances**

The following conditions, whether on occupied or unoccupied lands, public or private property, are hereby declared to be and constitute a public nuisance and shall be abated; although this section shall not be construed to be limiting with regard to its enumeration of public nuisances.

- A. Weeds or grass allowed to grow to a height greater than 12 inches on the average, or any accumulation of dead weeds, grass, or brush, that may provide safe harborage for rats, mice, snakes and/or other vermin.
- B. Vegetation that obstructs the safe passage or line-of-sight of motorists or pedestrians at an intersection or driveway connection with a public or private street or alley, or along any street or sidewalk.
- C. Dead or dying trees or other vegetation which may cause a hazardous situation if they fail.

- D. Accumulation of rubbish, trash, refuse, junk, construction debris, and other abandoned materials, metals, lumber or other such items.
- E. The keeping or maintenance of one or more abandoned vehicles in public view or in a manner inconsistent with this article.
- F. The carcasses of animals or fowl not disposed of within a reasonable time after death.
- G. Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a fire hazard.
- H. All noises which may annoy or inhibit others in their enjoyment of or the use of their property.
- I. All disagreeable or obnoxious odors or stench, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stench, including smoke and fires.
- J. The pollution of any public well, stream, lake, canal, or body of water by sewage, dead animals, creamery, industrial wastes, agricultural wastes, or other substances.
- K. Any building, structure, or other place or location where any activity is conducted, performed or maintained in violation of local, state or federal law.
- L. Any accumulation of stagnant water.
- M. Any method of human excretion disposal which does not conform to the provisions of local ordinances, or state or federal law.

#### 13.16.2. Nuisance Prohibited

It shall be unlawful for any person, firm, corporation or other entity to cause, permit, maintain, or allow the creation or maintenance of a nuisance, as defined or more specifically described in this article.

#### 13.16.3. Notice to Abate

Whenever a nuisance is found to exist within the jurisdiction of Talbot County, the code enforcement office shall give written notice to the owner or occupant of the property upon which such a nuisance exists or upon the person causing or maintaining the nuisance, to abate the nuisance pursuant to Section 18.2 of this ordinance.

#### 13.16.4. Provisions for Specific Nuisances

Any one of these enumerated nuisances, if violated, would be a misdemeanor and could be prosecuted in the local court as the violation of any other ordinances.

- A. Abandoned Vehicles: It shall be unlawful to keep or maintain any abandoned vehicles as defined by the article, and any abandoned vehicle is hereby declared to be a public nuisance and shall be abated as provided in this article.

B. Trees and Other Vegetation: It shall be unlawful for the owner or occupant of any lot of land lying and abutting on an intersection of two streets or the intersection of a driveway and a street to allow any trees, shrubs, or bushes lying on said lot or land to grow to a height or in a manner which restricts the line of sight, or which threatens safety or restricts passage of motorists or pedestrians within a public right-of-way or sidewalk.

C. Noise: It shall be unlawful for any person to create or assist in creating, permit or continue any unreasonably loud, disturbing, or unnecessary noise in the unincorporated areas of Talbot County. Noise of such character, intensity, and duration that is detrimental to the reasonable comfort, health, or life of any individual is prohibited. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises that constitute a public nuisance in violation of this article, and which shall be abated.

1. The keeping or maintenance of any domestic animal which, due to prolonged or habitual barking, howling, whining, or other noises, causes annoyance to neighboring residents, or interferes with the reasonable use and enjoyment of the premises occupied by such residents, is hereby declared to be a public nuisance and shall be abated as provided in this article.
2. The sounding of any bell, horn, whistle, mechanical device operated by compressed air, or signal device while not in motion, except as a danger signal, for an unnecessary and unreasonable period of time.
3. The use of any siren, other than police, fire, or emergency vehicle.
4. The use or operation of any musical instrument, radio, loud speaker, or sound amplifying device so loudly as to disturb persons in the vicinity thereof.
5. The erection, excavation, demolition, alteration, or repair of any building or structure in the vicinity of residential dwellings between the hours of 10:00 p.m. and 7:00 a.m., except in the case of urgent necessity in the interest of public safety, and then, only with a permit from the code enforcement officer.
6. The creation of excessive noise on any street adjacent to any school, institution of learning, court, or religious congregation while the same are in session, or within 150 feet of a hospital which unreasonably interferes with the working of such institution.
7. The shouting or crying of peddlers, vendors, or residents which disturbs the peace and quiet of a residential area.
8. The unnecessary creation of loud or excessive noise in connection with unloading or loading vehicles or merchandise.
9. The use of any vehicle that is in a state of disrepair as to create loud or unnecessary grinding, rattling, backfiring, or other noises.

Violation of any provision of this subpart on "Noise" shall constitute a misdemeanor and shall be punishable as provided by law, and shall also be subject to abatement under Section 13.16.3 herein.



### **13.17. Yard Sales**

#### **13.17.1. Permit Required.**

It shall be unlawful for any person to conduct a yard sale in the county without first filing with the county code enforcement officer the information specified and obtaining from the county code enforcement officer a permit to do so, to be known as a "yard sale permit." There will be no charge for the yard sale permit.

#### **13.17.2. Issuance of Permit.**

A permit shall be issued under this article to any one person only twice within a 12-month period and no such license shall be issued for more than three consecutive calendar days. Each license issued under this article must be prominently displayed on the premises upon which the yard sale is conducted throughout the entire period of the permitted sale. Items for sale must be moved inside at dusk.

#### **13.17.3. Information to be Filed.**

The information to be filed with the code enforcement officer pursuant to this article shall be as follows:

- A. Name of person conducting the sale.
- B. Name and owner of the property on which the sale is to be conducted, and consent of the owner, if applicant is other than the owner.
- C. Location at which the sale is to be conducted.
- D. Number of days of sale.
- E. Date and nature of any past sale.
- F. Relationship or connection applicant may have had with any other person conducting the sale and the date of or dates of such sale.
- G. Whether or not applicant has been issued any other vendor's license by any local, state or federal agency.
- H. Sworn statement or affirmation by the person signing that the information therein given is full and true and known by him to be so.

#### **13.17.4. Exceptions.**

The provisions of this article shall not apply to or affect the following persons or sales:

- A. Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
- B. Persons acting in accordance with their powers and duties as public officials.

- C. Any person selling or advertising for sale an item or items of personal property which are specified, named or described in the advertisement and which separate items do not exceed five in number.

### ***13.18. Standards for Telecommunications Facilities***

#### **13.18.1. Purpose.**

The Telecommunications Act of 1996 affirmed Talbot County the authority concerning the placement, construction, and modification of towers, antennas, and the facilities whereon towers, or antennas are located. This section is designed and intended to balance the interests of the residents of Talbot County, telecommunication providers, and telecommunications customers in the siting of telecommunications facilities within Talbot County, Georgia so as to protect the health, safety, and integrity of residential neighborhoods and to foster, through appropriate zoning and land use controls, a competitive environment for telecommunications carriers that does not unreasonably discriminate among providers of functionally equivalent personal wireless services. This section shall not prohibit, or have the effect of prohibiting, the provision of personal wireless services. This section is intended to promote Talbot County, Georgia as a proactive community in the availability of personal telecommunications service. To that end, this section shall:

- A. Provide the appropriate location and development of telecommunications facilities within Talbot County, Georgia;
- B. Protect Talbot County, Georgia's built and natural environment by promoting compatible design standards for telecommunication facilities;
- C. Minimize adverse visual impacts of telecommunication facilities through careful design, siting, and landscape screening and innovative camouflaging techniques;
- D. Avoid potential damage to adjacent properties from tower or antenna failure through engineering and careful siting of telecommunications tower structures and antennas;
- E. Maximize the use of any existing towers through co-location so as to minimize the need to construct new towers and minimize the total number of towers throughout Talbot County, Georgia;
- F. Maximize and encourage the use of alternative telecommunication tower structures, where applicable, as a primary option rather than construction of additional single use towers; and
- G. Encourage and promote the location of new telecommunications activities in areas which are not zoned for residential use.

#### **13.18.2. Definitions.**

As used in this section pertaining only to the Standards for Telecommunications Facilities, the following terms shall have the meanings ascribed below:

Accessory Facility or Structure. An accessory facility or structure serving or being used in conjunction with telecommunications facilities and located on the same property or lot as the telecommunications facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.

Alternative Tower Structure. Man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna. Any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

Applicant. Any wireless service provider submitting an application for a telecommunication facility.

Application. All necessary and appropriate documentation that an Applicant submits in order to receive a permit for a telecommunications facility.

Camouflage or Stealth. Disguising a tower or telecommunications facility so as to make it less visually obtrusive and not recognizable to the average person as a telecommunication facility.

Co-location. The use of an existing tower or structure to support antenna(s) for the provision of wireless services.

Coverage Zone. The area in which a wireless device can receive service.

FAA. The Federal Aviation Administration, or its duly designated and authorized successor agency.

Fall Zone.

FCC. The Federal Communications Commission, or its duly designated and authorized successor agency.

Governing Authority. The Board of Commissioners of Talbot County, Georgia.

Guyed Tower. A tower supported, in whole or in part, by guy wires and ground anchors.

Height. When referring to a tower or structure, the distance measured from the preexisting grade level to the highest point of the tower or other structure, even if said highest point is an antenna or lightening protection device.

Lattice Tower. A guyed or self-supporting open frame structure that has three or four sides used to support telecommunications equipment.

Monopole Tower. A structure consisting of a single spire or pole, constructed without guy wires or ground anchors, used to support telecommunications equipment.

Nonconforming Structure. See definition of Nonconforming Use.

Ordinance. The Zoning Ordinance of Talbot County.

Person. Any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or any other entity.

Repairs and Maintenance. The replacement or repair of any components of a telecommunications facility where the placement is materially identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the physical or visually discernable components or aspects of a wireless facility that will add to the visible appearance of the facility as originally permitted.

Separation. The minimum horizontal distance between two towers.

Setback. The minimum horizontal distance between the lot or property line and the nearest front, side, or rear line of the facility/structure (as the case may be), or any covered projection.

Staff. The Talbot County Building Official.

Telecommunications. The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

Variance. A grant of relief from the requirements of this section which permits construction in a manner otherwise prohibited by this section.

Wireless Telecommunications Facility. A tower, antenna, or any and all buildings, structures, or other supporting equipment used in conjunction with a tower or antenna.

### 13.18.3. General Requirements for a Tower.

- A. District Height Limitations. The height limitations set forth in this ordinance shall govern the location of towers that exceed, and antennas that are installed at a height in excess of, the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas, except as provided herein.
- B. Public Property. Antennas or towers located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antenna or tower has been approved by the governing authority.
- C. All new towers or antennas shall obtain a building permit prior to the construction or placement of such structures or facilities.
- D. The application for a tower shall include, but not be limited to the following information:
  1. A survey site plan drawn to scale by a professional licensed by the State of Georgia showing all property lines with dimensions, location of existing buildings and other structures, topography, location of setback lines or other dimensional requirements, proposed tower location, tower height, location of accessory structures to the tower, proposed landscaping, fall zone, neighboring uses, north arrow, and street number;
  2. The coverage zone of the proposed tower;
  3. A report documented by the submission of a certification by a qualified engineer licensed by the State of Georgia, showing evidence of an engineering nature, which demonstrates that no existing tower or structure can accommodate the proposed antenna(s). Said report shall include, but not be limited to, the following information:
    - a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements;
    - b. Existing tower or structures are not of sufficient height to meet applicant's engineering requirements;

- c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment;
  - d. The applicant's proposed antenna would cause electromagnetic interference with an existing antenna;
  - e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable (costs exceeding new tower development are considered to be unreasonable); or
  - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable; and
4. A report by a professional licensed by the State of Georgia explaining the process by which the subject site was chosen.
- E. Shared usage of towers and antennas is encouraged and towers shall be designed to accommodate one (1) co-location for county or city use and at least one (1) co-location for another entity.
  - F. Accessory facilities or structures shall be limited to the restrictions described in the definition of accessory facilities or structures found in the Definitions of this section.
  - G. All towers shall be equipped with an anti-climbing device to prevent unauthorized access and such towers and related accessory facilities or structures shall be enclosed by security fencing not less than six (6) feet in height.
  - H. At the time of application for a building permit, the plans for construction of a tower shall be certified by an independent registered structural engineer licensed by the State of Georgia as meeting all current safety and design standards of all applicable codes.
  - I. Towers are encouraged to locate in nonresidential areas where possible. Towers shall not be permitted within a single-family residential zoning district unless the applicant can show that the denial of a permit in such a location will cause a significantly harmful and permanent degradation of service which cannot be overcome by any other means including planned or potential locations which would provide the same or similar coverage or capacity.
  - J. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration, Federal Communications Commission, or other applicable federal or state agency, be painted a neutral color or painted to match the existing structure so as to reduce visual obtrusiveness.
  - K. Towers shall not be artificially lighted unless required by the Federal Aviation Administration, Federal communications Commission or other state or federal agency of competent jurisdiction. If lighting is required, the staff may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding land uses and views.
  - L. If upon inspection or upon receipt of an engineer's report, Talbot County determines that an antenna or tower has not been utilized by any communications service provider for any communications-related purpose for a continuous period of twelve (12) consecutive months, such antenna or tower shall be considered abandoned and the owner shall remove the same within ninety (90) days of receipt of written notice from the Talbot County Building Official. If the antenna or tower is not removed within said ninety (90)

days, Talbot County may proceed with removal of such antenna or tower and place a lien upon the property for costs of such removal.

- M. No advertising or signage is permitted on the tower other than warning or equipment information.

#### **13.18.4. General Requirements for Co-Location.**

The applicant must submit two sets of accurate drawings including a scaled site plan and scaled elevation view and other supporting drawings, calculations, and other documentation including but not limited to, the method of construction and attachment to the building or structure. Plans for antenna construction shall be certified by an independent, registered structural engineer in the State of Georgia as meeting all current safety and design standards of all applicable federal, state, and county codes. The Talbot County Building Official shall approve or deny an application for a building permit for co-location following the same requirements as stated below in Section 13.8.9.

#### **13.18.5. Tower Setbacks, Height and Separation.**

- A. Setbacks. Towers erected in zoning districts shall be set back a distance equal to the full vertical height of the tower from all dwellings on adjoining property. For purposes of determining whether the installation of a tower complies with setback requirements, the dimensions of the entire lot shall control, even though the tower may be located on leased parcels within such lots.
- B. Height. Towers shall not exceed a height of 150 feet in the Land Use Planning Zone (LUPZ) or Noise Zone II (NZ2) areas adjacent to Fort Benning or what is required for a safe approach to any nearby airport as set forth by the Federal Aviation Administration.

#### **13.18.6. Separation.**

Towers shall be separated a distance equal to one-half (1/2) of a mile. Landscaping Requirements. Where adequate existing vegetation is not present as determined by Talbot County, towers located in all zoning districts shall have the base of the tower and accessory facilities or structures to the tower screened on all sides with a landscaped area having a minimum width of fifteen (15) feet. Said area shall be included in the setback and shall be planted with trees of an evergreen species capable of achieving a minimum height of twenty (20) feet at maturity so as to provide a visual barrier. Required plantings shall be a minimum of five (5) feet in height at the time of planting and placed outside of any required security fencing and shall be regularly maintained by the property owner(s) to ensure that the above objectives and standards are met.

#### **13.18.7. Nonconforming Structures.**

Any telecommunications facility existing on the date of the adoption of this section shall be considered a nonconforming structure and shall be required to follow standards set forth in Section 11 of this ordinance.

#### **13.18.8. Administrative procedures for tower and antenna building permit.**

A building permit issued by the Talbot County Building Official is required in advance of the initiation of construction, erection, moving or alteration of any tower or antenna permitted pursuant to this Article.

All telecommunication facilities whether permitted outright or which have received conditional use approval shall obtain a building permit and be required to submit to the Talbot County Building Official Plans for the Review Process.

If an environmental assessment is required by the Federal Communication Commission (FCC), a copy of the assessment, as well as documentation of the FCC's subsequent approval thereof, must be submitted at the time of application. In addition, the applicant shall be required to submit documentation that the proposed wireless telecommunications facility complies with current Federal Communications Commission standards for radio frequency emissions, as adopted by the FCC at the time of application.

Talbot County shall make a final decision on an application for a co-location of an antenna pursuant to this section within a reasonable time period. In determining a reasonable time period, 90 days from the date of filing a complete application by the applicant shall be considered presumptively reasonable. Talbot County shall have 30 days from the date of filing of the application to review the application for completeness. The time it takes for an applicant to respond to a request for additional information will not count toward the 90 days only if Talbot County notifies the applicant within the first 30 days that its application is incomplete. The presumptively reasonable time period may be extended beyond 90 days by mutual written consent of the applicant and the Talbot County Building Official.

For all other applications pursuant to this section, Talbot County shall make a final decision within a reasonable time period, and in determining a reasonable time period, 150 days from the date of filing a complete application by the applicant shall be considered presumptively reasonable. Talbot County shall have 30 days from the date of filing of the application to review the application for completeness. The time it takes for an applicant to respond to a request for additional information will not count toward the 150 days only if Talbot County notifies the applicant within the first 30 days that its application is incomplete. The presumptively reasonable time period may be extended beyond 150 days by mutual written consent of the applicant and the Talbot County Building Official.

#### **13.18.9. Variances.**

Variances from this section may be applied for and granted in the same procedural manner as required by Section 17 of the Zoning Ordinance of Talbot County.

### ***13.9. Standards for Solar Energy Systems***

It is in the best interest of Talbot County to facilitate the siting, construction, installation, and decommissioning of solar energy systems (SES's) in Talbot County in a manner that encourages local economic development and protects the health, safety, and welfare of the citizens of Talbot County, and at the same time mitigates any adverse impacts to wildlife, agricultural lands, forests, and other natural landscapes.

The intent of Talbot County is to increase energy security and diversify the energy portfolio, to promote the use of Georgia-based energy resources, to decrease the cost of energy, to bolster local economic development and employment prospects, to increase consumers' choices in energy consumption, to encourage the use of a renewable energy resource, to support Talbot County's sustainability agenda, and to reduce air and water pollution.

The intent of Talbot County is not to compromise or contradict the health, safety, or environmental requirements contained in other federal, state, and local laws, nor is it to create heightened standards for the siting, construction, installation, and decommissioning of SES's that would discriminate against SES's relative to other similar commercial, industrial, or utility projects within Talbot County.

### 13.9.1. Applicability

- A. This article applies to the siting, construction, installation, and decommissioning of any new SES to be constructed or installed after March 7, 2022 within the jurisdiction of Talbot County.
- B. Any SES that, prior to March 7, 2022:
  - 1. is in operation;
  - 2. is being lawfully sited, constructed, or installed; or
  - 3. has caused the incurrence of substantial liabilities relating to siting, construction, or installation;

shall be exempt from complying with this ordinance, unless the surface area of an Integrated SES or Rooftop SES or the Footprint of a Ground Mounted SES is increased by more than [5 – 25]% after March 7, 2022.

- C. Unless otherwise expressly stated herein, an SES shall comply with all applicable federal, state, and local laws, including the requirements of the Talbot County zoning code and applicable building, fire, electric, and plumbing codes. If a provision in this ordinance directly conflicts with a requirement of the Talbot County zoning code, this ordinance shall control.



<p><b>RESIDENTIAL DISTRICT (R-1)</b></p> <p>The following primary uses are allowed:</p> <ul style="list-style-type: none"> <li>- Small Scale SES</li> </ul> <p>The following accessory uses are allowed:</p> <ul style="list-style-type: none"> <li>- Integrated SES</li> <li>- Rooftop SES</li> <li>- Small Scale SES</li> </ul> <p>The following primary or accessory uses are allowed after receiving a Conditional Use Permit:</p> <ul style="list-style-type: none"> <li>- Integrated SES (primary)</li> <li>- Rooftop SES (primary)</li> <li>- Intermediate Scale SES (primary &amp; accessory)</li> <li>- Large Scale SES (accessory)</li> </ul>	<p><b>AGRICULTURAL DISTRICT (A-1)</b></p> <p>The following primary uses are allowed:</p> <ul style="list-style-type: none"> <li>- Small Scale SES</li> </ul> <p>The following accessory uses are allowed:</p> <ul style="list-style-type: none"> <li>- Integrated SES</li> <li>- Rooftop SES</li> <li>- Small Scale SES</li> </ul> <p>The following primary or accessory uses are allowed after receiving a Conditional Use Permit:</p> <ul style="list-style-type: none"> <li>- Integrated SES (primary)</li> <li>- Rooftop SES (primary)</li> <li>- Intermediate Scale SES (primary &amp; accessory)</li> <li>- Large Scale SES (primary &amp; accessory)</li> </ul>
<p><b>COMMERCIAL DISTRICT (C-1)</b></p> <p>The following primary uses are allowed:</p> <ul style="list-style-type: none"> <li>- Small Scale SES</li> <li>- Intermediate Scale SES</li> </ul> <p>The following accessory uses are allowed:</p> <ul style="list-style-type: none"> <li>- Integrated SES</li> <li>- Rooftop SES</li> <li>- Small Scale SES</li> <li>- Intermediate Scale SES</li> </ul> <p>The following primary or accessory uses are allowed after receiving a Conditional Use Permit:</p> <ul style="list-style-type: none"> <li>- Integrated SES (primary)</li> <li>- Rooftop SES (primary)</li> <li>- Large Scale SES (primary &amp; accessory)</li> </ul>	<p><b>INDUSTRIAL DISTRICT (I-1)</b></p> <p>The following primary uses are allowed:</p> <ul style="list-style-type: none"> <li>- Integrated SES</li> <li>- Rooftop SES</li> <li>- Small Scale SES</li> <li>- Intermediate Scale SES</li> <li>- Large Scale SES</li> </ul> <p>The following accessory uses are allowed:</p> <ul style="list-style-type: none"> <li>- Integrated SES</li> <li>- Rooftop SES</li> <li>- Small Scale SES</li> <li>- Intermediate Scale SES</li> </ul> <p>The following primary or accessory uses are allowed after receiving a Conditional Use Permit:</p> <ul style="list-style-type: none"> <li>- Large Scale SES (accessory)</li> </ul>
<p><b>MANUFACTURED HOUSING UNIT DISTRICT (MHU-1)</b></p> <p>The following primary uses are allowed:</p> <ul style="list-style-type: none"> <li>- None</li> </ul> <p>The following accessory uses are allowed:</p> <ul style="list-style-type: none"> <li>- Integrated SES</li> <li>- Rooftop SES</li> <li>- Small Scale SES</li> </ul> <p>The following primary or accessory uses are allowed after receiving a Conditional Use Permit:</p> <ul style="list-style-type: none"> <li>- Integrated SES (primary)</li> <li>- Rooftop SES (primary)</li> <li>- Small Scale SES (primary)</li> <li>- Intermediate Scale SES (primary &amp; accessory)</li> <li>- Large Scale SES (accessory)</li> </ul>	<p><b>COMMERCIAL OUTDOOR RECREATION DEVELOPMENT DISTRICT (CORD)</b></p> <p>The following primary uses are allowed:</p> <ul style="list-style-type: none"> <li>- None</li> </ul> <p>The following accessory uses are allowed:</p> <ul style="list-style-type: none"> <li>- Integrated SES</li> <li>- Rooftop SES</li> <li>- Small Scale SES</li> </ul> <p>The following primary or accessory uses are allowed after receiving a Conditional Use Permit:</p> <ul style="list-style-type: none"> <li>- Integrated SES (primary)</li> <li>- Rooftop SES (primary)</li> <li>- Small Scale SES (primary)</li> <li>- Intermediate Scale SES (primary &amp; accessory)</li> <li>- Large Scale SES (primary &amp; accessory)</li> </ul>

### 13.9.2. Requirements for Integrated Solar Energy Systems

- A. Solar Access. Consistent with O.C.G.A. § 44-9-20 *et seq.*, a property owner may obtain a solar easement from another property owner for the purpose of ensuring the Integrated SES adequate exposure to sunlight.
- B. Tree Removal. The removal of trees or natural vegetation for an Integrated SES shall be avoided to the extent reasonably practicable and shall comply with the requirements of the Talbot County zoning code.

### 13.9.3. Requirements for Rooftop Solar Energy Systems

- A. Solar Access. Consistent with O.C.G.A. § 44-9-20 *et seq.*, a property owner may obtain a solar easement from another property owner for the purpose of ensuring the Rooftop SES adequate exposure to sunlight.
- B. Tree Removal. The removal of trees or natural vegetation for a Rooftop SES shall be avoided to the extent reasonably practicable and shall comply with the requirements of the Talbot County zoning code.
- C. Height. A Rooftop SES shall be given an equivalent exemption, if any, to the applicable zoning district's height restrictions for roof-mounted mechanical devices or equipment, except a Rooftop SES mounted on a sloped roof shall not vertically exceed the highest point of the roof to which it is attached.

### 13.9.4. General Requirements for All Ground Mounted Solar Energy Systems

The following requirements apply to all Ground Mounted SES's, in addition to the specific requirements in this [ordinance] that apply to Intermediate and Large Scale SES's respectively.

- A. Solar Access. Consistent with O.C.G.A. § 44-9-20 *et seq.*, a property owner may obtain a solar easement from another property owner for the purpose of ensuring a Ground Mounted SES adequate exposure to sunlight.
- B. Impervious Surface. Ground mounted structures and components of the Ground Mounted SES, including transformers and foundations, shall be considered impervious. However, for purposes of compliance with the Talbot County zoning code's impervious surface coverage requirements, the panels of a Ground Mounted SES shall be considered pervious if they maintain sheet flow and allow for water to infiltrate under and around them through a pervious surface and into the subsoil.
- C. Lighting. To reduce light pollution, lighting of a Ground Mounted SES shall:
  - 1. Be limited to the minimum reasonably necessary for its safe operation;
  - 2. Be directed downward where reasonably feasible;
  - 3. Incorporate full cut-off fixtures; and
  - 4. Reasonably utilize motion sensors.
- D. Tree Removal. The removal of trees or natural vegetation for a Ground Mounted SES shall be avoided to the extent reasonably practicable and shall comply with the requirements of the Talbot County zoning code.

- E. Decommissioning. Unless otherwise approved by the Talbot County Board of Commissioners, decommissioning shall begin no later than 12 months after a Ground Mounted SES has ceased to generate electricity or thermal energy:

1. For a Ground Mounted SES allowed without a permit, within 6 months of the beginning of decommissioning, the SES and all structures associated with it shall be removed, all materials shall be recycled or otherwise reused to the extent reasonably practicable, and the property shall be returned to its condition prior to the installation of the SES or to some other condition reasonably appropriate for the designated land use; and
2. For a Ground Mounted SES allowed with a permit, the SES shall be decommissioned in accordance with the most recent decommissioning plan approved by the Talbot County Board of Commissioners, and as further described in the Conditional Use Permit provision of this ordinance.

#### **13.9.4.1. Specific Requirements for Intermediate Scale Solar Energy Systems**

The following requirements apply to Intermediate Scale SES's, in addition to the general requirements in this [ordinance] that apply to all Ground Mounted SES's.

- A. Setbacks. An Intermediate Scale SES shall comply with the following setback requirements:
1. The Intermediate Scale SES shall be located no closer than the lesser of (a) 15 feet from any property line, or (b) the required setback for the applicable zoning district, if any;
  2. The Intermediate Scale SES shall be located no closer than the lesser of (a) 20 feet from any public right-of-way, or (b) the required setback for the applicable zoning district, if any; and
  3. The Intermediate Scale SES shall be located no closer than 50 feet from any residential dwelling unit on an adjacent lot.
- B. Visual Buffers. An Intermediate Scale SES in a residential or agricultural district shall have, to the extent reasonably practicable, a visual buffer of natural vegetation, plantings, earth berms, and/or fencing that provides a reasonable visual and lighting screen to reduce the view of the SES from residential dwelling units on adjacent lots (including those lots located across a public right-of-way). The existing natural tree growth and natural land forms along the SES perimeter may create a sufficient buffer and shall be preserved when reasonably practicable. Any visual buffer must be established and maintained in accordance with the most recent visual buffer plan approved by the [zoning authority], and as further described in the Conditional Use Permit provision of this [ordinance].
- C. Signage. An Intermediate Scale SES:
1. Shall display signs (a) stating the risks that may result from contact with an Intermediate Scale SES, (b) identifying the owner or operator of the Intermediate Scale SES, and (c) providing a 24-hour emergency contact phone number;
  2. Shall comply with the requirements of the applicable zoning district for displaying any advertisement; and

3. May have signs that contain educational information about the Intermediate Scale SES.

#### **13.9.4.2. Specific Requirements for Large Scale Solar Energy Systems**

The following requirements apply to Large Scale SES's, in addition to the general requirements in this [ordinance] that apply to all Ground Mounted SES's.

A. Setbacks. A Large Scale SES shall comply with the following setback requirements:

1. The Large Scale SES shall be located no closer than the lesser of (a) 15 feet from any property line, or (b) the required setback for the applicable zoning district, if any;
2. The Large Scale SES shall be located no closer than the lesser of (a) 20 feet from any public right-of-way, or (b) the required setback for the applicable zoning district, if any; and
3. The Large Scale SES shall be located no closer than 100 feet from any residential dwelling unit on an adjacent lot.

B. Visual Buffers. A Large Scale SES shall have, to the extent reasonably practicable, a visual buffer of natural vegetation, plantings, earth berms, and/or fencing that provides a reasonable visual and lighting screen to reduce the view of the SES from residential dwelling units on adjacent lots (including those lots located across a public right-of-way). The existing natural tree growth and natural land forms along the SES perimeter may create a sufficient buffer and shall be preserved when reasonably practicable. Any visual buffer must be established and maintained in accordance with the most recent visual buffer plan approved by the [zoning authority], and as further described in the Conditional Use Permit provision of this ordinance.

C. Signage. A Large Scale SES:

1. Shall display signs (a) stating the risks that may result from contact with a Large Scale SES, (b) identifying the owner or operator of the Large Scale SES, and (c) providing a 24-hour emergency contact phone number;
2. Shall comply with the requirements of the applicable zoning district for displaying any advertisement; and
3. May have signs that contain educational information about the Large Scale SES.

#### **13.9.5. Conditional Use Permit Application**

In addition to the general requirements for a Conditional Use Permit application set forth in the Talbot County zoning code, the following shall be contained in any Conditional Use Permit application for an SES:

A. Basic Information. The applicant shall submit a document that lists the following:

1. The address of the property on which the SES will be located;
2. The applicant's name, address, telephone number, and email address;
3. The property owner's name, address, telephone number, and email address;

4. If known, the SES operator's name, address, telephone number, and email address;
  5. If known, the installation company's name, address, telephone number, email address, and license number; and
  6. Evidence of the applicant's control of the property, such as a deed, lease, or option agreement with the landowner.
- B. Planning. The applicant shall submit the following, based on the most current and accurate information reasonably available:
1. A site plan of the property that depicts the locations of all existing and proposed structures (including solar arrays, inverters, transformers, electrical substations, and buildings), property lines, rights-of-way, roads, required setbacks, and visual buffers;
  2. A topographic map that depicts vegetative cover, watersheds, or wetlands on the property;
  3. A visual buffer plan that demonstrates that any visual buffer (a) minimizes impacts of the SES on adjacent residential dwelling units, as required by this [ordinance], (b) preserves natural tree growth and natural land forms along the SES perimeter, as required by this [ordinance], and (c) adheres to any additional visual buffer requirements of the Talbot County zoning code that may further minimize impacts of the SES on the community character;
  4. A list that identifies (a) federal or state endangered, threatened, or candidate species that may be present on the property or within 1,000 feet of the property, and (b) critical habitat on the property or within 1,000 feet of the property;
  5. If the SES is located in an agricultural district, a map that identifies prime farmland and farmland of statewide importance on the property; and
  6. A decommissioning plan that contains the following:
    7. The name, address, telephone number, and e-mail address of the person(s) or entity(ies) responsible for implementing the decommissioning plan;
    8. A statement of conditions that require the decommissioning plan to be implemented;
    9. As part of decommissioning, a removal plan that identifies all structures, components, and non-utility owned equipment that shall be removed;
    10. As part of decommissioning, a plan for recycling or otherwise reusing all materials to the extent reasonably practicable;
    11. As part of decommissioning, a restoration plan to return the property to its condition prior to the installation of the SES or to some other condition reasonably appropriate for the designated land use after the SES is removed; and
  12. A timeline to complete decommissioning.

- C. **Certifications.** The applicant shall submit an affidavit that provides, to the best of the applicant's knowledge:
1. Construction and operation of the SES will comply with all applicable federal and state laws;
  2. Construction and operation of the SES will comply with all local laws, including the requirements of the Talbot County zoning code, unless waived by the Talbot County Board of Commissioners; and
  3. Commercial general liability insurance will be maintained throughout the siting, construction, installation, operation, and decommissioning of the SES.

#### **13.9.5.1. Conditional Use Permit Review**

- A. Upon receiving a Conditional Use Permit application for an SES, the Talbot County Board of Commissioners shall conduct permitting proceedings in accordance with the requirements of the Talbot County zoning code.
- B. A Conditional Use Permit application may be denied if the Talbot County Board of Commissioners determines the SES does not comply with the requirements of the Talbot County zoning code.
- C. The applicant's appeal rights are consistent with those rights expressed in the Talbot County zoning code.

### **Section 14. Exceptions and Modifications**

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

#### **14.1. Front Yard**

The front yard requirements of this ordinance shall not apply on lots where the average depth of existing front 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 each 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.

#### **14.2. 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.

#### **14.3. Temporary Uses**

Temporary 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 thirty (30) days upon completion of the construction work.

### **Section 15. 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:

- A. 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.
- B. Each single family detached dwelling shall occupy a land area not less than 43,580 square feet (one area) and conform to the lot requirements of a R-1 district.
- C. 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.
- D. No Commercial uses of the buildings are allowed and no rental charges can be place on these units.
- E. Each dwelling shall be accessible to the public roadway.
- F. Individual power supply sources shall be provided to each dwelling and each utility installation shall meet all code requirements.
- G. Permits for construction will not be issued prior to the approval of each of the aforementioned conditions by the building inspector or his designee.

## **Section 16. Administration and Enforcement**

### ***16.1. Enforcing Officer***

The provisions of this ordinance shall be administered and enforced by the Building Official. This official shall have the right to enter upon any premises at any reasonable time prior to the issuance of a 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.

### ***16.2. Building Permit Required***

It shall be unlawful to commence the construction of any building or other structure, including accessory structures, or to permanently store building materials, or erect temporary field offices, or to commence the moving, alteration, or repair (except necessary repairs, not affecting the external or party walls, chimneys, stairways or heights of the buildings) of any structure including accessory structures, until the building official has issued a permit including a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this ordinance. Application for a building permit shall be made to the Building Official on forms provided for that purpose.

### ***16.3. Approval of Plans and Issuance of Building Permit***

It shall be unlawful for the Building Official to approve any plans or issue a building permit for construction until he has inspected such plans in detail and found them in conformity with this ordinance. To this end, the Building Official shall require that every application for a building permit for construction, moving or alteration, except interior alterations, be accompanied by a plan or plat showing the following in sufficient detail to enable the Building Official to ascertain whether

the proposed construction, moving or alteration is in conformance with this ordinance, and applicable building codes.

- A. The actual shape, proportion and dimensions of the lot to be built upon.
- B. 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.
- C. The existing and intended use of all such buildings or other structures.
- D. 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 being observed.
- E. Must have a certificate from the health department that the property will conform to all health standards.

If the proposed construction, moving or alteration as set forth in the application, are in conformity with the provisions of this ordinance and other related laws and ordinances, the Building Official shall issue a building permit accordingly. If an application for a building permit is not approved, the Building Official 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.

#### ***16.4. Expiration of Building Permit***

If the work described in any building permit has not begun within six months from the date of issuance thereof, said permit shall expire.

#### ***16.5. Certificate of Occupancy Required For Habitable Buildings***

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

Within three (3) days after the owner or his agent has notified the Building Official that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Official 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 provisions of this ordinance, or if such certificate is refused, to state the refusal in writing with the cause.

#### ***16.6. Penalties for Violation of Zoning Ordinance***

Any person, firm, or corporation who violates any provision of the Zoning Ordinance of Talbot County, Georgia shall be guilty of a misdemeanor, and upon conviction in the magistrate court of this county, shall be fined an amount not to exceed five hundred dollars (\$500.00) or imprisoned up to sixty (60) days or both for each violation. Each day such violation continues shall constitute a separate offense and shall subject such person, firm, or corporation to a fine or incarceration specified by this section for each such offense.

Ordinance violations may be tried in the Magistrate Court in Talbot County, Georgia, upon citation issued by the Building Official or his 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 Official or his 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 Official or his designated agent either of whom is authorized by this ordinance to issue citations. A citation shall be personally served upon the accused, and the original 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 may be arrested thereafter on a warrant of the magistrate and required to post a bond for his future appearance.

### **16.7. Remedies**

In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this ordinance, the building official or 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.

## **Section 17. Board of Zoning Adjustments**

The Talbot County Planning Commission will act as the Zoning Board of Adjustment and may grant a variance in the application of the provisions of the Zoning Ordinance. The Planning Commission may do so only if all of the following findings are made:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, shallowness, or lot or 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 which is the property is located.
- B. That because of such physical conditions or circumstances, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that authorization is therefore necessary to enable the use of the property.
- C. That granting the variance will not result in a use otherwise permitted in the district.
- D. The Talbot County Planning Commission shall establish a reasonable time for hearing of any appeals authorized under this section and shall give at least fifteen (15) days notice of such hearing by publishing the time, date, and location of the public hearing within the county's legal organ, and shall give written notice by regular mail to all parties who are involved in the variance request and to adjacent property owners.

Any party aggrieved by any final judgment or decision of the Talbot County Planning Commission, may within thirty (30) days thereafter appeal to the Talbot County Board of Commissioners. If the party is still aggrieved the party may appeal to the superior court or court of like jurisdiction. The party must file with such board a written notice of appeal specifying the judgment or decision from which the appeal is taken. In case of such appeal such court to which the appeal is taken and case in such court to be tried *de nova*.

## **Section 18. Amendments and Alterations**

"Amendment" as used in this section means a change in the text of the Zoning Ordinance or a change in the official zoning map(s) of the county authorized by a zoning decision made only after compliance with the procedures set forth in this section.

- A. A proposed amendment to the text may be initiated by the planning commission or may be submitted to the planning commission by the board of commissioners or by any person who owns property within the zoning jurisdiction of the county. Unless initiated by the board of commissioners or by the planning commission, 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 application.
- B. 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 maps which was defeated by the board of commissioners, 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 was made have substantially changed. The 12-month interval shall not apply to applications for proposed amendments initiated by the board of commissioners or by the planning commission, except for applications for proposed amendments to the zoning map(s) 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.

### ***18.1. Initiation of Amendments***

Each proposed amendment to the text or to the official zoning map shall be initiated by filing an application with the building official/zoning office. Applications for proposed amendments shall include at least the following information:

- A. Applications for proposed amendments to the text shall include the following information:
  - 1. Name and address of the applicant;
  - 2. Current provisions of the text to be affected by the proposed amendment;
  - 3. Proposed wording of the proposed amendment to the text; and
  - 4. Reason for proposed amendment.
- B. Applications for proposed amendments to the zoning maps shall include the following:
  - 1. Name and address of the applicant.
  - 2. A legal description of the tract(s) proposed to be rezoned.
  - 3. 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.

4. The present and proposed zoning district for the tract(s).
  5. Existing intermediate floodplain areas.
  6. The names and addresses of the owner(s) of the land and of the agent(s) for the owners(s), if any.
  7. The map and parcel number identified on the county's tax assessor map.
- C. Applications for proposed amendments shall be submitted in accordance with a schedule adopted annually by the board of commissioners. 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 proposed amendments initiated by members of the county commission or be members of the planning commission when acting as agents of the governing authority.
- D. 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 any such zoning conditions are proposed by an applicant 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.
- E. 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.

## **18.2. Public Notification**

- A. *Legal notice.* Notice of public hearings before the planning commission and the board of commissioners 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. Such notice shall be published at least fifteen (15) but not more than forty-five (45) days prior to the date of the hearing.
- B. *Signs posted:* Talbot County Board of Commissioners shall have a sign(s) posted in a conspicuous place(s) on the property to be rezoned, which shall contain information describing the proposed map amendment and the dates, times, and places of the public hearings before the planning commission and the Talbot County Board of Commissioners. 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.

- C. *Notice to Abate*: Whenever a nuisance is found to exist within the jurisdiction of Talbot County, the code enforcement office shall give written notice to the owner or occupant of the property upon which such a nuisance exists or upon the person causing or maintaining the nuisance, to abate the nuisance. The notice shall be sent by regular mail to the last known address of the owner or occupant, and shall contain the following:
1. An order to abate the nuisance or to request a hearing within a stated time, which shall be reasonable under the circumstances;
  2. The location of the nuisance, if the nuisance is stationary;
  3. A description of what constitutes the nuisance;
  4. A statement of acts necessary to abate the nuisance; and,
  5. A statement that if the nuisance is not abated as directed, the county will file an action in the Magistrate Court of Talbot County to abate the nuisance. Said action to include the placement of a lien on the property for the fees and expenses incurred by the county in abating the nuisance.

### ***18.3. Public Hearing Procedures***

Whenever a public hearing is required by these ordinances or by state law prior to a zoning decision, such public hearing, whether conducted by the board of commissioners or the planning commission, shall be conducted in accordance with the following procedures:

- A. The public hearing shall be called to order by the presiding officer.
- B. The presiding officer shall explain the procedures to be followed in the conduct of the public hearing.
- C. All persons who wish to address the Planning Commission and/or Board of Commissioners at a hearing on the proposed zoning decision under consideration by the Planning Commission and/or Board of Commissioners shall first sign up on a form to be provided by the County prior to the commencement of the Hearing.
- D. The Secretary or his or her designee will read the proposed zoning decision under consideration prior to receiving public input on said proposed zoning decision. Proposed zoning decisions will be called in the order in which they are filed.
- E. The Secretary or his or her designee shall then call each person who has signed up to speak on the zoning decision then before the Planning Commission and/or Board of Commissioners in order in which the person have signed to speak, except the applicant who will always speak first. Prior to speaking, the speaker will identify him or herself and state his or her current address. Only those persons who sign up to speak prior to the commencement of the hearing shall be entitled to speak, unless two-thirds (2/3) of the members of the Planning Commission and/or Board of Commissioners present at the hearing allow the person to speak to the zoning decision, notwithstanding the failure of the person to sign up prior to the hearing.
- F. Each speaker shall be allowed ten (10) minutes to address the Planning Commission and/or Board of Commissioners concerning the zoning decision then under consideration, unless the Planning Commission and/or Board of Commissioners by two-

thirds (2/3) of the members of the Planning Commission and/or Board of Commissioners present, prior to or at the time of the reading of the proposed zoning decision, vote to allow additional time in which to address the Planning Commission and/or Board of Commissioners on said proposed zoning decision. The speaker may initially use all of the time allotted to him to speak or he may speak and reserve a portion of his allotted time for rebuttal. One member of the Planning Commission and/or Board of Commissioners shall be designated as the timekeeper to record the time expended by each speaker.

- G. Each speaker shall speak only to the merits of the proposed zoning decision under consideration and shall address his remarks to the members of the Planning Commission and/or Board of Commissioners. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed zoning decision under consideration. The chair may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this subsection.
- H. Nothing contained herein shall be construed as prohibiting the chair from conducting the hearing in an orderly and decorous manner to assure the public hearing on a proposed zoning decision is conducted in a fair and orderly manner.
- I. Thereafter, the presiding officer shall announce that the public hearing for the requested zoning decision is closed. The Planning Commission shall then convene its business session to consider the proposed amendment (zoning decision) and shall, at that time, take action on its recommendation to the Board of Commissioners. At the close of the public hearing before the Board of Commissioners, the board shall immediately convene its business session and consider the recommendation for the zoning decision and take action on the proposed amendment.

#### ***18.4. Planning Commission Public Hearing and Action***

- A. All applications for proposed amendments shall be reviewed by the planning commission in a public hearing in accordance with the procedures set forth in section 18.3.
- B. The planning commission shall review and consider a recommendation to the Talbot County Board of Commissioners with respect to the application for a proposed amendment. The planning commission may decide not to make a recommendation, or it may make any of the following recommendations with respect to an application for a proposed amendment: approval, denial, deferral, withdrawal, change of the zoning district requested, or imposition of zoning conditions. If no recommendation is decided by the planning commission, then it shall report to the board of commissioners that it makes no recommendation on the application.
- C. The planning commission shall submit its recommendation or report of no recommendation on an application for a proposed amendment to the board of commissioners prior to the scheduled public hearing in which the board of commissioners will consider the application for a zoning decision. If the planning commission fails to submit a recommendation or report prior to the public hearing, the planning commission's recommendation shall be deemed to be one of approval.

### ***18.5. Board of Commissioners Public Hearing and Action***

- A. Before taking action on a proposed amendment and after receipt of the planning commission recommendations or reports thereon, the board of commissioners shall hold a public hearing on the proposed amendment.
- B. 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 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 change [d] be to one other than that requested, or that zoning conditions be added or deleted, as the board of commissioners deem appropriate.

### ***18.6. Zoning Standards***

Whenever Talbot 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:

- A. Whether the zoning decision will permit a use that is suitable in view of the use and development of adjacent or nearby property;
- B. Whether the zoning decision will adversely affect the existing use of adjacent or nearby property;
- C. Whether the property affected by the zoning decision has a reasonable economic use as currently zoned;
- D. Whether the zoning decision will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
- E. Whether the zoning decision conforms with the policy and intent of an adopted land use plan; and
- F. 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.

### ***18.7. Criteria for Conditional Uses***

The applicant, staff, Planning Commission, and Board of Commissioners should review applications for conditional uses with regard to the following criteria, in addition to other standards and criteria set forth in this section:

- A. Off-street parking and loading facilities are adequate in terms of location, amount and design to serve the use.
- B. The amount and location of open space and the provisions of screening is such that buffering of incompatible uses is achieved.

- C. Ingress and egress to the property is suitable and safe, and the effects of the proposed activity on traffic flow along adjoining streets is not adverse.
- D. Public facilities and utilities are capable of adequately serving the proposed use.
- E. The proposed use will not have a significant adverse effect on the level of property values or the general character of adjacent land uses or the general area.
- F. The type, height, size, or location of the buildings or other structures on the property should be compatible with the type, height, size or location of buildings or other structures on neighboring properties.
- G. The physical conditions of the site, including size, shape, topography, and drainage are suitable for the proposed development.
- H. The proposed structure meets all size, building code, health and safety, and environmental code requirements of Talbot County.
- I. The proposed use is consistent with the goals, objectives, and intent of the adopted Talbot County Comprehensive Plan, the Talbot County Subdivision Regulations, the Talbot County Code of Ordinances, and the Talbot County Zoning Ordinance.
- J. The staff, Planning Commission, and Board of Commissioners may request other information or consider other factors, deemed relevant before formulating recommendations and taking action on a particular conditional use application.

## **Section 19. Alteration of Zoning Conditions**

### ***19.1. Minor Alterations Approval***

The building official 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:

- A. Building relocation, curb cut relocation and traffic circulation changes due to topographic, environmental or other design factors;
- B. Parking design; and
- C. Utility relocation

### ***19.2. Amendments of Zoning Conditions***

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 18.1. Such application shall be processed in accordance with the same procedures as those required for applications for proposed amendments to the zoning maps as provided in section 17.

## Section 20. Fees

Fees for appeals and applications for amendments to the [this] ordinance shall be established as follows and shall be payable prior to action by respective bodies.

Yard Sale Permit	Free
Other Permits	\$27.50 minimum
Appeals	\$100.00
Amendments	\$300.00
Pre-Inspection Fee of used Manufactured Housing Units	\$50.00 plus (Talbot County's current mileage rate plus county employee's regularly hourly rate)

## Section 21. Legal Status

### *21.1. Interpretation*

In the interpretation and application of the Zoning Ordinance of Talbot 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 Talbot County. Where the provisions of this 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 provisions of any other ordinance or law require more restrictive standards than are required by this ordinance, the provisions of such other ordinance or law shall control.

### *21.2. 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.

### *21.3. Repeal of Conflicting Ordinances*

All ordinances or parts of any ordinance in conflict with any of the provisions of the Zoning Ordinance of Talbot County, Georgia are hereby repealed.



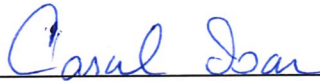
#### **21.4. Effective Date**

This ordinance shall take effect and shall be in force from and after the 1<sup>st</sup> day of November, 1997.

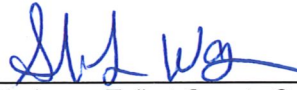
Adopted 8<sup>th</sup> day of September 1997, by the Talbot County Board of Commissioners; and

Amended 8<sup>th</sup> day of January, 1998; and  
Amended 5<sup>th</sup> day of February, 2001; and  
Amended 5<sup>th</sup> day of August, 2003; and  
Amended 3<sup>rd</sup> day of December, 2012; and  
Amended 13<sup>th</sup> day of November, 2021; and  
Amended 7<sup>th</sup> day of March, 2022.

Attest:



Clerk of the Board of Commissioners



Chairman Talbot County Commission

