

WHITE COUNTY BOARD OF COMMISSIONERS

RESOLUTION NO. 2019-09

A RESOLUTION

**WHEREAS**, The White County Board of Commissioners adopted the White County Land Use Ordinance on March 30, 2015, by Resolution No. 2015-02 and has amended this ordinance by subsequent resolutions;

**AND WHEREAS**, The White County Board of Commissioners have the authority to further amend the White County Land Use Ordinance according to procedures outlined within O.C.G.A. § 36-66-1 et seq.;

**AND WHEREAS**, The White County Board of Commissioners now wishes to further amend the Ordinance as follows having acted in accordance with the procedures within O.C.G.A. § 36-66-1 et seq. ;

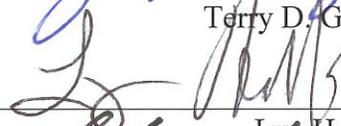
**NOW, THEREFORE**, it is hereby **RESOLVED** that the White County Land Use Ordinance be amended as follows to be effective June 4, 2019 :

**RESOLVED**, this 4th day of June, 2019.

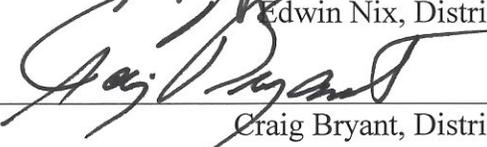
WHITE COUNTY BOARD OF COMMISSIONERS

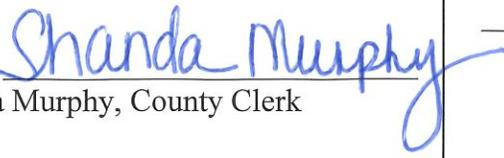
  
\_\_\_\_\_  
Travis C. Turner, Chairman

  
\_\_\_\_\_  
Terry D. Goodger, District 1

  
\_\_\_\_\_  
Lyn Holcomb, District 2

  
\_\_\_\_\_  
Edwin Nix, District 3

  
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Craig Bryant, District 4

Attest:   
Shanda Murphy, County Clerk

APPENDIX C - LAND USE REGULATIONS

ARTICLE I. - PREAMBLE AND ENACTMENT CLAUSE

It is the desire of the White County Board of Commissioners to guide and shape the future growth of the White County community so that areas with natural characteristics are kept in the highest and best use for that particular area.

As of the date of this document, all properties that are included on the White County Land Use Map Land Use Classifications Map are "grandfathered" or classified as non-conforming, and until the property owner desires a change in use of that particular property shall be designated "as is" for perpetuity.

Pursuant to the authority conferred by the 1983 Georgia State Constitution, Article IX, Section II, Paragraph IV, and for the purpose of promoting the health, safety, convenience, order, prosperity, and general welfare of the present and future inhabitants of White County and the State of Georgia, including among other purposes the lessening of congestion in the streets, securing safety from fire, flood, panic and other dangers; promoting health and the general welfare; providing adequate light and air; preventing the overcrowding of land and avoiding both undue concentration of population and urban sprawl; facilitating the adequate provision of transportation, water, sewerage service, schools, parks, and other public requirements; promoting such distribution of population, classification of land uses, distribution of land uses and distribution of land development and utilization as well tend to facilitate and promote desirable living conditions and the sustained stability of neighborhoods; preserving buildings, structures and uses in areas having local, regional and national historic or environmental significance; improving the aesthetic appearance of the county; protecting property against blight and depreciation; securing economy in government expenditures; conserving the value of buildings; and encouraging the most appropriate use of land, buildings and structures throughout White County, all in accordance with a comprehensive plan for the development of White County, the board of commissioners does hereby ordain and enact into law the following articles and sections.

Pursuant to O.C.G.A. § 44-5-60(b), the White County Board of Commissioners expressly acknowledges the continuing application of restrictive covenants restricting lands to certain uses within this jurisdiction, and any such covenant, if created prior to this appendix being adopted by White County, shall continue to be effective until the expiration of such covenant in accordance with its terms.

In the following pages, the reader will have the opportunity to learn about White County's definitions of each classification.

ARTICLE II. - SHORT TITLE

These regulations and requirements shall be known and may be cited as the "Land Use Regulations of White County, Georgia."

ARTICLE III. - ESTABLISHMENT OF DISTRICTS PROVISION FOR OFFICIAL LAND USE MAP

Section 301. - Use districts.

For the purpose of this resolution, White County is hereby divided into use districts as set out below:

A-I,	Agriculture Forestry District
R-I,	Residential Single Family District
R-II,	Residential Multi-Family District

R-III,	Seasonal Residential District
C-I,	Community Commercial District
C-II	Highway Business District
I,	Industrial District
PD,	Planned Development Overlay District

Section 302. - Official land use map.

The location and boundaries of the above districts are hereby established as shown on a map entitled "Official Land Use Map of White County, Georgia." Said map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this resolution.

The official land use map shall be identified by the signature of the county commission chairman, attested by the county clerk, and bear the following words: "This is to certify that this is the Official Land Use Map referred to in Article III of the Land Use Resolution, White County, Georgia," together with the date of the adoption of the resolution.

If in accordance with the provisions of this resolution and the applicable laws of the State of Georgia, changes are made in boundaries or other matter portrayed on the official land use map, such changes shall be entered on the official land use map promptly after the amendment has been approved by the governing body with appropriate entry or indication of such amendment on the official land use map. No amendment to this resolution which involves matter portrayed on the official land use map shall become effective until after such changes and entry has been made on said map.

No changes of any nature shall be made on the official land use map or matter shown thereon except in conformity with the procedures set forth in this resolution. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this resolution.

Regardless of the existence of purported copies of the official land use map which may from time to time be made or published, the official land use map shall be located in the office of the planning commission and shall be the final authority as to the current land use status of land and water areas, buildings, and other structures in the county.

Section 303. - Interpretation of district boundaries.

303.1 Where boundaries are indicated as approximately following the centerline of streets or highways, street right-of-way lines or such lines extended, such centerline, street right-of-way lines shall be construed to be such boundaries.

303.2 Where boundaries are indicated as approximately following the corporate limit line of a city or county, such corporate limit line shall be construed to be such boundaries.

303.3 Where boundaries are indicated as approximately following property lines or such lines extended, such property lines or such lines extended, as indicated by boundary survey, deed or

legal description maintained in the official file of said land use adoption or amendment, if available, shall be construed to be such boundaries.

303.4 Where boundaries are indicated as approximately following the centerline of stream beds or river beds, such centerline shall be construed to be such boundaries.

Section 304. - Boundary line divides a lot of single ownership.

Where a boundary line as appearing on the official land use map divides a lot in single ownership at the time of the enactment of this resolution, the requirements for the district in which the greater portion of the lot lies may be extended to the balance of the lot without recourse or amendment procedure, provided that this provision shall not apply to a double frontage lot. In the case of a double frontage lot, the restrictions of the district applying to the adjoining lots which front on the same street as the lot frontage in question shall apply.

Section 305. - Designation after street abandonment.

Where a public street, ally or other right-of-way is officially vacated or abandoned, the regulations applicable to the property to which is reverted shall apply to such vacated or abandoned public street, alley, or right-of-way.

#### ARTICLE IV. - NON-CONFORMING LOTS, BUILDINGS AND USES

Section 401. - Purpose and intent.

Within the districts established by this resolution, there exist certain incompatible lots, buildings, structures, signs, and uses of land which were lawful before this resolution was adopted but which would be prohibited, regulated or restricted under the terms of this resolution or future amendments.

Section 402. - Non-conforming lots of record.

In any district, notwithstanding dimensional limitations imposed by other provisions of this resolution, a single-family dwelling and customary accessory buildings or any other permitted use may be erected on any single lot of record existing at the effected date of adoption or amendment of this resolution even though such lot fails to meet the requirements for area or width, or both, applicable to the particular district involved, provided that yard dimensions and other requirements of the lot shall conform to the regulations for the district in which the lot is located.

Section 403. - Continuance of non-conforming use.

The lawful use of any building, structure, sign or land existing at the time of enactment of this resolution may be continued even though such use does not conform with the provision of this resolution, except that the use of a principal building, structure or land containing a non-conforming use shall not be:

403.1 Changed to another non-conforming use;

403.2 Re-established after discontinuance or abandonment for two years;

403.3 Expanded, enlarged or extended, unless such use is changed to a use permitted in the district in which such use is located;

403.4 Moved in whole or in part to any other portion of the lot occupied by such use, except in conformity with this resolution.

403.5 Changed to another land use district where the intended use is not a permitted use.

Nothing in this article shall be deemed to prevent the strengthening or restoring to a safe condition any building, structure, or portion thereof, declared to be unsafe by an official charged with protecting the public safety or health, upon order of such official.

Changes in ownership or tenancy of a non-conforming use are permitted.

Section 404. - Expansion of non-conforming buildings.

A non-conforming building which contains a conforming use may be expanded, enlarged or extended, provided that any such additions meet the applicable yard and building setbacks, buffer and landscape strip requirements and all other regulations for the district in which it is located. This section shall not, however, be construed as to authorize the expansion of a non-conforming building for a use which is not permitted by the regulations for the district within which such building is located.

Section 405. - Buildings under construction.

Nothing in this article shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the adoption of this resolution.

#### ARTICLE V. - GENERAL PROVISIONS

Section 501. - Use, occupancy and erection.

No building, structure, land, open space or water shall hereafter be used or occupied and no building or part thereof shall hereafter be erected, constructed, reconstructed, moved, structurally altered or maintained, and no new use or change shall be made or maintained of any building, structure, land, open space or water, unless in conformity with all the regulations herein specified for the district in which it is located.

Section 502. - Minimum requirements.

Within each district, the regulations set forth shall be minimum requirements and shall apply uniformly to each class or kind of building, structure or land.

Section 503. - Height limitations.

No building or structure shall hereafter be erected, constructed, reconstructed or altered, except as otherwise specifically exempted in this resolution, to exceed the height of 50 feet; provided, however, that the governing body may permit buildings and structures to exceed these height limitations upon approval of a conditional use as specified in the procedures of this resolution.

Those areas in White County that are identified on the White County Hillside and Mountain Protection Map shall follow the height limitation requirements for buildings and structures in that article of the White County Code.

Section 504. - Every use must be upon a lot.

No building or structure shall be erected or use established unless upon a lot of record as defined by this resolution as otherwise provided herein. Every lot shall comply with the subdivision regulations in the White County Code.

Section 505. - One principal building on a lot.

Principal buildings and its accessory buildings are allowed within the provisions of this appendix so as they are constructed in accordance with all codes of White County.

Section 506. - Separation between principal buildings.

No principal building shall be located closer than 20 feet to another principal building unless approved by the White County Board of Commissioners with justification provided by property owner.

Section 507. - Reduction in lot size prohibited.

No lot shall be reduced, divided, or changed in size so that lot width, size of yards, lot area per dwelling unit or any other requirement of this resolution is not maintained, unless said reduction or division is necessary to provide land which is acquired for a public purpose.

Section 508. - Street frontage requirement.

A building may be erected upon a lot that has a minimum frontage of 60 feet. In the case of a lot fronting on and accessed by a, cul-de-sac, the minimum lot frontage shall be 35 feet. Double or reverse frontage lots are required to have proper frontage on all sides that could be used as access.

Section 509. - Use prohibited when not specified.

Unless otherwise stated, any use not specifically permitted in a use district as provided in this resolution shall be prohibited in that district.

Section 510. - Determination of unclassified uses.

In the event an applicant wishes to use property for a use which is not specifically identified under inherent uses, conditional uses, or uses permitted subject to a special use permit and the approval subject to the approval of the county commission, and where such use is not specifically prohibited from the district, the following provisions shall apply:

510.1 The planning director shall submit to the planning commission a written request for a determination of the unclassified use.

510.2 The planning commission shall review the request as submitted and determine if the proposed use is of a similar character to the district in which it is proposed.

510.3 If the planning commission determines that the use is of a similar character and meets the intent of the uses permitted inherently within the district, then they shall instruct the planning director to proceed through the review and permitting process.

510.4 In the event that the planning commission determines that the proposed use in the district is consistent with the character and intent of the conditional uses, or uses subject to the approval of the planning commission, or uses subject to the approval of the county commission, within the district, then the applicant shall apply for a conditional use or use subject to approval in the normal manner.

510.5 In no event shall the provisions of this resolution be used to allow an incompatible use or a use specifically prohibited by this resolution within a certain district.

510.6 Once a use has been allowed or disallowed by the planning commission, it shall then be considered classified under the appropriate category in the district.

Section 511. - Accessory buildings and uses.

Accessory buildings and uses shall be permitted by this appendix.

511.1 No more than three accessory buildings per acre.

511.2 Accessory buildings and uses shall be setback a minimum setback of 15 [feet] from any property line and meet all stream buffer setbacks as required in the White County Code.

511.3 Where an accessory building is structurally attached to the principal building, it shall be subject to and must conform to all regulations applicable to the principal building.

511.4 In the case of double frontage lots, accessory building shall observe front yard requirements on both streets.

511.5 No accessory building on a residential lot shall exceed the height of 50 feet.

511.6 Detached accessory buildings shall be located a minimum of ten feet from a principal building on a lot.

Section 512. - Regulations for specific accessory structures.

The following specified structures shall conform to the following regulations:

512.1 Gasoline pumps and pump islands shall be setback a minimum of 30 feet from any right-of-way or property line.

512.2 Canopies and other attached or detached structures intended for cover shall be setback a minimum of 20 feet from any right-of-way or property line.

512.3 Swimming pools accessory to residences shall be setback a minimum of 30 feet from any property line and meet all requirements in the White County Building Code.

512.4 Outdoor play structures or play set in commercial districts, commonly, but not necessarily, associated with restaurants, shall be located in a side or rear yard and shall be setback a minimum of 35 feet of any property line or the required setbacks for certain uses of the district, whichever is greater.

512.5 All site plans for multi-family, seasonal residential developments, commercial and industrial building shall include a solid waste container pad that has easy access and safe access for a front end loader. Such pad shall include surrounding storm water improvements to catch debris and remove pollutants that may flow into the storm water or stream system of White County. Solid waste containers shall be screened from all streets adjoining properties with a solid, opaque fence or wall which shall be a minimum of one foot taller than the container.

512.6 Emergency shelters for the purpose of protecting individuals from life threatening weather storms or other emergencies shall be permitted as an accessory structure in all land use districts and shall meet the setback requirements of such structures in the district.

512.7 An amenity, as defined by this chapter, shall not be considered an accessory structure.

Section 513. - Visibility at intersections.

On corner lots within all land use districts, no fence, shrubbery, or other obstruction to the traffic sight vision shall exceed a height of three feet within a triangular area formed by the intersection of the right-of-way lines of two streets or a street intersection with a railroad right-of-way line, and a diagonal line which intersects the right-of-way lines at two points, each 20 feet distance from the intersection of the right-of-way lines or in the case of a rounded corner, from the point of intersection of their tangents; provided however, signs, lights, or similar objects which are totally located at least ten feet above the finished grade shall be permitted.

Section 514. - Encroachment on public right-of-way.

No privately owned structures other than driveways, access walkways, and individual mail boxes shall be permitted within a public right-of-way. Signs and other structures belonging to the State of Georgia or White County or for the purposes of railroad or private utility use are exempt from this provision.

Section 515. - Open space not to be encroached upon.

No established open space(s) shall be encroached upon or reduced in any manner except in conformity to the yard, setback, off-street parking spaces, and such regulations or requirements by this chapter for the district in which such building or use is located. Shrubby, driveways, walkways, retaining walls, fences, curbs, and planted buffer strips shall be construed not to be encroachments of yards.

Section 516. - Required open space may not be used by another building.

No part of any yard, other open space, or off-street parking or loading space required or in connection with any building, structure or use by this chapter shall be considered to be part of a required yard, or other open space, or off-street parking or loading space for any other building, structure or use unless otherwise noted.

Section 517. - Emergency shelters.

Emergency shelters for the purpose of protecting individuals from life-threatening weather storms or other emergencies shall be permitted as an accessory structure in all land use districts and shall meet the setback requirements of such structures in the district.

Section 518. - Outdoor lighting.

Parking lot outdoor lighting shall be directed away and shielded from abutting residential districts. All freestanding outdoor lighting fixtures erected on private nonresidential properties shall have a maximum height of 45 feet. Freestanding outdoor lighting fixtures erected on private residential properties and freestanding public street lighting fixtures in residential subdivisions and neighborhoods shall have a maximum height of 35 feet.

Section 519. - Movable modular storage units.

Movable modular storage units, also known as storage pods, are permissible temporary structures, provided that such structures are located in compliance with the following standards:

1. The duration shall be limited to 180 days per calendar year.
2. The storage pod may be placed in a front, side, or rear yard.
3. The storage pod shall be placed at least 15 feet from any property line.
4. The storage pod shall not be placed within an easement, storm water drainage area, or required buffer.
5. The storage pod shall not obstruct pedestrian access.
6. The storage pod shall not be used for any other purpose than for temporary storage.

Section 520. - Land use of non-subdivided property.

A non-subdivided lot under single ownership may have more than one land use district applicable to said lot, provided that the following conditions are met:

1. No land use districts can overlap.
2. In addition to required buffers and setbacks from the property lines additional buffer and setbacks and other development standards shall be required from the land use district line pursuant to the development standards for all adjacent land use districts, as if said land use district line is a property line, and said lot be in compliance with said development standards.
3. Prior to any building permits being issued the lot must be subdivided in accordance to the county subdivision regulations.
4. All property regardless of land use must have the required minimum frontage pursuant to the requirements of each land use district which affects any lot.

ARTICLE VI. - HOME-BASED BUSINESSES

White County desires to encourage the entrepreneurial spirit that has been so important to our area.

Section 601. - Administration and enforcement, occupational license required.

- (1) White County enforces the county's occupational license ordinance. Any person failing to comply with any provision of the White County Occupational License Ordinance may be subject to penalties imposed within the occupational license ordinance.
- (2) Any licensee failing to comply with this section shall have the business license revoked. If a business license application involves a home occupation and is denied by the planning director, then the applicant may file a variance request in accord with this chapter. The approval for a home office or home occupation shall not "run with the land" and shall terminate with a change in location or ownership of the home office or home occupation or ownership of the premises.
- (3) The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the building. The occupation shall not constitute a nuisance in the neighborhood.
- (4) Only one point of business sign, not exceeding two square feet in size, motionless, non-lighted, and attached to the principal building, shall be permitted.

Section 602. - Exceptions.

- (1) Uses currently allowed in the A Land Use District (Agricultural) shall be subject to the requirements for permitted and prohibited uses set forth within this chapter and shall be exempt from any conflicting ordinance, except for parcels zoned A that are one acre or less. If a parcel is zoned A and is equal to or less than one acre, then the terms of this section shall control. A business that qualifies only as a home office, but not a home occupation, shall be exempt from the terms hereof.

- (2) Exception to business license requirement only. Secondary offices: A home office in a residential district that is an ancillary office and that is not the primary location for the business of the home office; such ancillary location shall not be required to have a business license issued by White County if:
  - a. The business activity is subject to a business license issued by White County for another location;  
or
  - b. If a business license has been issued for another location by some other jurisdiction in the United States.

Section 603. - Permitted home occupations.

- (1) Offices of professionals including, but not limited to, architects, brokers, counselors, clergy, draftspersons and cartographers, engineers, insurance agents, lawyers, real estate agents, accountants, editors, publishers, journalists, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespersons and manufacturer's representatives, internet sales representatives and travel agents;
- (2) Personal services, including barber shops, beauty parlors, manicure and pedicure shops, pet grooming, catering, taxidermy services, and chauffeur services;
- (3) Instructional services, including music, dance, art and craft classes, tutoring, and outdoor instruction to include tennis lessons, and swimming lessons;
- (4) Babysitting services, day care homes;
- (5) Studios for artists, sculptors, musicians, photographers, and authors;
- (6) Workrooms for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry making, cabinetry and wood working;
- (7) Repair services, including watch and clock, small appliances, computers, and electronic devices; and
- (8) Upholstery and detailing services if and only if an accessory building may be used for the home occupation.
- (9) Cottage manufacturing of goods to be delivered or shipped if and only if an accessory building may be used for the home occupation. No on-site sales rooms or offices.
- (10) Lawn and landscape maintenance contractors. Equipment must be stored out of public view, preferably in a garage or storage shed.

This list may not be all-inclusive. The planning director shall determine whether an unlisted business is substantially similar to a permitted use based upon the proposed business activity with ultimate authority residing with the White County Board of Commissioners.

Section 604. - Prohibited home occupations.

- (1) Kennels, veterinarian clinics/hospitals.
- (2) Outside obedience training of animals.
- (3) Medical and dental clinics/hospitals.
- (4) Restaurants, clubs, alcoholic drinking establishments.
- (5) Motor vehicles sales, medium and large engine repair.
- (6) Undertaking and funeral parlors and crematoriums.
  - a. Human or animal cremation facilities.

- (7) Retail sales of goods (in the form of a store front) not made on the premises and sold to the general public from the premises.
- (8) Rooming and boarding houses with the exception of bed and breakfast facilities that have been approved in accordance with this chapter.
- (9) Adult business uses.
- (10) Private clubs.
- (11) Warehousing and/or storing of material not directly used in a licensee's home occupation.
- (12) Other similar uses as determined by the planning director based upon the proposed use being substantially similar to a prohibited home occupation.

Section 605. - Operational standards.

- (1) *Operating hours.* Customer/client visits to the home occupation are limited to the hours from 7:00 a.m. to 9:00 p.m.
- (2) *Employees.* The home occupation shall have no more than seven non-resident employees on the premises at any one time. The number of nonresident employees working at locations other than the premises of the home occupation is not limited.
- (3) *Vehicles.* Delivery vehicles used to deliver goods to the home occupation business are limited to passenger vehicles, mail carriers, and express carriers such as UPS and FedEx. Deliveries shall be permitted only between 8:00 a.m. and 8:00 p.m. The home occupation shall be limited to the parking/storage of three commercial vehicles on the premises, not exceeding a two-ton capacity. Any commercial vehicle shall be stored such that the vehicle is not visible from a public street. Parking for all customers/clients/employees shall be restricted to the premises and shall not be permitted on public rights-of-way. The home occupation shall allow for on-site customer/client/employee parking.
- (4) *Nuisances.* The equipment used by the home occupation and the operation of the home occupation shall not create any vibration, heat, glare, dust, odors, or smoke discernible at the property lines at any time and shall not generate any discernible noise at the property lines from 9:00 p.m. to 6:00 a.m. and shall not create any electrical, magnetic or other interference off the premises, consume utility quantities that negatively impact the delivery of those utilities to surrounding properties, or use and/or store hazardous materials in excess of quantities permitted within residential structures.
- (5) *Appearance.* There shall be no exterior indication of the home occupation or variation from the residential character of the principal use. No alterations inconsistent with the residential use of the building shall be permitted. Special accessibility such as access ramps may be constructed in order to conform to building codes. No outside displays of sales items, products, or services may be used. All material stored on premises for the use of the home occupation shall be out-of-sight of the public and inside a building. All accessory structures shall meet the requirements set forth for the residential district. No vehicles or other receptacles used for the collection, carrying, storage or transport of commercial garbage, waste, trash or recycled material shall be parked or stored on the property.
- (6) *Leased property.* The business owner of the dwelling associated with the home occupation request shall occupy the dwelling as a principal residence and shall have the property owners' written permission to obtain a home-based business license through the county with a notarized letter.

An applicant residing in Residential Multi-Family District (R-2) of this chapter shall have the property owners' written permission to obtain a home-based business license through a notarized, written contractual agreement.

Section 606. - Accessory buildings for home occupation use.

- (1) The use of an accessory building for a home occupation shall be permitted.
- (2) Limit. Only three accessory buildings per acre shall be allowed for home occupation use.

- (3) Home occupations may operate in an accessory building used for other purposes.
- (4) The setbacks for all accessory buildings for use in connection with a home occupation shall meet the setback requirements for a house/residence.

Section 607. - Use of residence used as home occupation.

The primary use of a residential building shall be used as residential in nature with the home occupation being a secondary use.

Section 608. - Notification.

- (1) Before commencement of a home occupation, the licensee shall post a sign of the proposed business.

Section 609. - Non-conforming use.

Home-based businesses that maintain a valid business on the effective date of the ordinance from which this article is derived shall be permitted to continue the operation as a non-conforming use if such business does not comply with the terms hereof until the form of the business changes or the ownership of the business changes.

ARTICLE VII. – Short Term Rentals

Section 700. - Purpose.

The purpose of this article is to establish regulations for the use of a residential structure or any part thereof as a short-term rental in White County while minimizing the negative, secondary effects on surrounding properties, to ensure proper safety precautions are in place, and to facilitate the collection and payment of hotel/motel taxes as allowed by state law and county code.

Section 701. - License required.

- (a) It is unlawful for any person to operate or advertise as a short-term rental within the county without a valid business occupational tax license, and authorization to collect hotel/motel tax.
- (b) Short-term rental properties that have a current occupational tax license and are remitting Hotel/Motel taxes in White County **prior to June 4, 2019** will be grand-fathered in from having to apply for conditional use permits in the A-1, R-1, or R-2 Districts.

Section 702. – Permitted Uses

- (a) Short-Term rentals are allowed as a permitted use in R-3 Residential District (Seasonal).
- (b) Short-Term rentals are allowed as a conditional use in A-1 Agricultural/Forestry, R-1 Residential Single-Family and R-2 Residential Multi-Family districts. Short-term rental properties in A-1, R-1 and R-2 will have to acquire a conditional use permit through the process outlined in this ordinance, obtain an occupational tax license and Hotel/Motel Tax authorization certificate, prior to renting the property.
- (c) Short-Term Rentals are prohibited in C-1 Community Commercial; C-2 Highway Business and Industrial districts.

- (d) Conditional use permits for short term rentals will not be issued to property owners in subdivisions, zoned R-1, unless short term rentals are specifically allowed by the subdivision or homeowners association covenants – or with a signed majority of the homeowners in the subdivision if there is no homeowners association.

#### Section 703. – Applications

- (a) Short-term rental conditional use permit applications have to comply with Sec 1804 of this appendix and in addition:
- (b) Acknowledge that the applicant will keep the total number of guests to that number which can safely stay in the premises and that the applicant may be subject to the State of Georgia's fire safety code regulations. .
- (c) Certify that there are no deed restriction and/or covenants on a property that prohibits the use of the property as a short-term rental.
- (d) Certify that the owner has commercial or specific short-term rental insurance for the property.
- (e) Attest by owner or third party inspector that short term rentals meet applicable International Building Code, International Fire Code regulations and NFPA 101 Life Safety codes.

#### Section 704. – Short-term rental requirements

This section applies to all short-term rental properties in White County, Ga. and is in addition to any rules that the property is subject to via any land covenants, home owner association covenants, subdivision rules, etc.

- (a) Parking. Vehicles shall not be parked on the county right-of-way so as to hinder access to such and shall not be parked along any roadways which would cause safety issues, hinder access to such roadways or be in violation of any laws, subdivision rules, etc.
- (b) Solid waste/trash. Trash and refuse shall not be left or stored in such a way that would cause safety issues, hinder access to the public right-of-way, violate subdivision rules etc.
- (c) Noise. Short-term rentals shall not violate any noise or sound regulations, subdivision rules etc.
- (d) Hours of Operation. Check-in/departure and other rental related activities should occur between 6 a.m. and 10 p.m.
- (e) Additional information. Short-term rental owners or responsible parties must provide the White County Clerk's office with the following information:
  1. Full contact information for a local contact (responsible party) who is available 24-hours a day to respond within 2 hours to any complaint about the property or guest behavior
  2. The 911 address for all properties owned/operated by the occupational tax license owner or responsible management company.
  3. Certify that there are no unpaid financial obligations to White County.
  4. Rental Management Companies shall either list each property separately on the monthly lodging tax form that is submitted to the White County Clerk's office, or provide a separate lodging tax form for each property to the White County Clerk's office.
  5. Business Occupation Tax Certificate and Hotel/Motel Tax Authorization Certificate must be prominently displayed at the property.

## Section 705. – Violations

All violations will be dealt with in accordance with Article XXI of this appendix.

## ARTICLE VIII. - COUNTY COMPREHENSIVE PLAN AND OTHER PLANNING DOCUMENTS

### Section 800. - Purpose.

The Land Use Ordinance of White County is designed to implement the provisions of the White County Comprehensive Plan for the development and use of land. The purpose of these regulations shall be to:

1. Promote the health, safety, morals, order, prosperity, and general welfare of the county;
2. Promote desirable living conditions and the sustained stability of neighborhoods;
3. Promote the proper location, height, bulk, number of stories, and size of buildings and other structures;
4. Promote the proper sizes of yards, courts, and other open spaces;
5. Protect property against blight and depreciation;
6. Lessen congestion on streets;
7. Secure safety from fire, panic, and other dangers;
8. Provide adequate light and air and preventing the overcrowding of land;
9. Avoid undue concentration of population;
10. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
11. Promote a balance of residential, commercial, and industrial uses throughout the community;
12. Encourage development within the resources that lend themselves naturally to the community;
13. Discourage urban sprawl;
14. Encourage the use of eco-development, green building, sustainable development, practices, as defined herein; and
15. Promote the most appropriate use of land, buildings, and structures throughout the county in accordance with the comprehensive plan.

### Section 801. - Other adopted plans.

In addition to the county comprehensive plans, the White County Commission, the planning commission and the planning department shall consider other planning efforts (adopted plans) by White County that contribute to the health, safety, morals, order, prosperity and general welfare of the county.

## ARTICLE IX. - AGRICULTURE FORESTRY DISTRICT, A-1

The White County Board of Commissioners recognize the tremendous value that our farming and agricultural communities have and will continue to be in the coming years. That is why it is duly noted that agricultural and farming properties are grandfathered in that as long as the property maintains its purpose as of the date of this document, the operation of it shall not be impeded by this appendix. Agricultural land may be subdivided for family estate purposes and shall continue to exist as such for the heirs of the property.

## Section 900. - Purpose and intent.

Located in White County are several areas which contain soils highly suitable for the cultivation and operation of agricultural activities. These areas of prime agricultural lands are located in several communities throughout the county.

Land designated for the Agriculture Forestry Protection Land Use District constitutes a valuable natural resource whose protection is in the public interest. Agriculture is a major component of White County's economy, and it remains a viable economic enterprise in that land is held in relatively large tracts and land values are sufficiently low to support exclusively agricultural uses.

The White County Board of Commissioners realize that there are times where capital is required to continue operations related to agricultural purposes, therefore, the board authorizes the subdividing of said classified properties for the benefit of the farming operations. The purchaser of said subdivision may request that this property be reclassified if he or she wishes. The continuation of agriculture as a viable land use and component of the location economy is threatened by suburban and urban development land subdivision and land uses. When land is subdivided into smaller tracts, it becomes less suitable for agriculture because the assembly of enough acreage for a farm of minimum efficient size becomes difficult. Smaller tracts generally sell for a higher price per acre, and subdivision of large agricultural tracts generally results in the increase of per-acre land values. The availability of smaller tracts at lower costs attracts suburban and non-farm buyers into the market, thereby increasing adjacent land values for residential uses and decreasing land values for agricultural uses. The cumulative impact of the subdivision of farm land into small lots increases the level of conflict between farmers and non-farmers, makes farming more difficult, and eventually leads to dissolution of the agricultural economy.

Forestry has been an important industry for White County for many decades. In regards [to] complete removal of trees from a property, White County will encourage replanting of this renewable resource. We want to see continued green space so that we are not only good stewards of the lands entrusted to us but it also provides cleaner air and a healthier environment for us to raise our children.

Therefore, pursuant to the many goals, objectives, policies and recommendations of the comprehensive plan for White County, an Agriculture Forestry Land Use District is hereby established with the purposes of maintaining the agricultural land resources in a form amenable to the continuation of agriculture, restricting the division of farmland so that it does not become broken up into small parcels, thereby avoiding the accelerated conversion of land residential uses and discouraging the shift of the land market from rural to suburban/urban. An additional purpose of this land use district is [to] keep open enough land so that agriculture remains functionally viable, through the application of use restrictions which promote the preservation of prime agricultural lands. While the intent of this district is to promote maximum use of such areas for crop cultivation, the district regulations permit other active agricultural uses. Another purpose of this district is to hereby establish and promote the best use of forested land and to discourage and manage the division and development of forest land through use restrictions and various development requirements. This district may, in some very limited cases, serve as a transition from intensive agricultural operations to extremely low residential uses.

This district also includes a number of businesses and establishments uses that require a special use permit (SUP) from the White County Commission. Uses requiring special use permits are those that would not be appropriate without restrictions and is not permitted by right or conditionally, but allowed through regulations as to the number, area, location, relation to neighborhoods, operations or other pertinent considerations and specification/criteria as specified in this Code.

## Section 901. - Permitted uses.

1. Accessory uses and structures normally incidental and subordinate to one or more permitted uses.
2. Agricultural uses including the production of field crops, fruits, nuts, vegetables and forestry products. Heavy commercial agricultural uses such as livestock, feedlots and swine and poultry raising are permitted uses provided that such houses are located a minimum of 100 feet from the boundary of any residential land use district.

3. Farm structures, including barns, grain storage facilities, implement sheds and other structures accessory to agricultural uses are allowed with a setback of 15 feet from all property lines.
4. Residences, single-family detached, provided that such dwelling is farm related and subordinate to the principal use of the property for agricultural uses or for intra-family uses.
5. Non-farm residences, single-family detached, provided such residences are located on a minimum lot size of 10 acres, and provided said residences are located on permitted and available non-farm development lots, and, provided that they are placed in accordance with all other White County environmental codes and within any conservation use covenant with the State of Georgia and White County. Such residences are allowed to have backyard farm plots or gardens.
6. Cemeteries, churches, temples, synagogues and places of worship set back 50 feet from all property lines.
7. Agri-tourism, heritage tourism, wedding tourism, event facilities and attractions, as defined by this resolution, with required driveway access improvements and parking facilities and provided that all structures and activity areas are buffered and located a minimum of 100 feet from the boundary of any other land use district.
8. Outdoor recreation uses and campgrounds are permitted uses provided that all structures and activity areas are buffered and located a minimum of 100 feet from the boundary of any other land use district.
9. Public, semi-public, and utility buildings, structures and uses.
10. Forest uses associated with the management, production and harvesting of raw timber, provided such uses are included within a forest management plan consistent with the Georgia Forestry Commission's Best Management Practices (BMPs) for forestry and timber harvesting, and the White County Code, chapter 30, article II, soil erosion, sedimentation, pollution control.
11. Mineral resource extraction uses provided that they are permitted by the Georgia Department of Natural Resources and they are consistent [with] the appropriate mineral land use plan as required by Georgia DNR. In-stream dredging/hobby mining/panning activities are allowed provided a U.S. Army Corps of Engineer permit or exemption has been granted for the proposed activity.
12. Public and private conservation areas and customary structures and other dwellings for the protection of water, soil, open space, forest and wildlife resources, including nature preserves, wilderness and wildlife management areas.
13. Child caring institutions that provide traditional care or BASE care - base watchful oversight (BWO) in a home-like setting, and are licensed by the State of Georgia for providing such services. This setting shall be limited to a group care capacity of no more than 12 children, including the biological or adopted children of any host family serving the child caring institution.
14. Home occupations as defined and limited by this ordinance.

Section 902. - Conditional uses.

1. Single family residences placed with vacation rental cabin agencies or placed in a short-term rental program provided that the owner obtains an occupational tax certificate and a certificate of taxing authority.
2. Radio and communication towers, transmission or communication substations.
3. Child caring institutions providing other types of residential care and room, board and watchful oversight.

Section 903. - Special use permit.

1. Amusement parks, related attractions and performance entertainment facilities.
2. Animal mills or pet breeding facilities.

3. Auto or motorsports tracks or related facilities.
4. Meat processing and slaughter yards.
5. Rooming, boarding or group housing, and group recovery/homes/centers.
6. Shooting ranges (outdoor or indoor).
7. Substance abuse and treatment facilities.

#### ARTICLE X. - RESIDENTIAL, SINGLE-FAMILY DISTRICT, R-1

##### Section 1000. - Purpose and intent.

Within White County are areas that have been subdivided, or can be subdivided, for residential development in a variety of development settings based on the carrying capacity of the land and the infrastructure available in the area. These areas range from being rural in character to more suburban settings. It is the intent of the Residential Single Family District to provide suitable areas where the development of residential subdivision has occurred or is taking place. Furthermore, the White County Comprehensive Plan supports the maintenance of the rural character of the county and recommends the application [of] extremely low density restrictions to discourage the subdivision of land in these areas. These parts of the county are those that lie within agricultural areas and may also display traditional historic elements within the fabric of the community setting. The White County Comprehensive Plan also recognizes the need for establishing residential areas where public infrastructure and related services are available, or in close proximity, are adjacent to compatible uses and can be developed in an economically efficient manner.

These areas are intended to establish and preserve quiet, stable and affordable single-family neighborhoods at low to medium densities, free from other land uses, except those which are compatible with and convenient to the residents of such district. It is also the intent to recognize the need for conservation and open space as densities increase and allow for open spaces and conservation areas to be set aside for the benefit of the community, developer and all future generations who live in White County.

##### Section 1001. - Permitted uses.

1. Residences, single-family detached.
2. Accessory uses and structures normally incidental and subordinate to one or more permitted uses. Such residences are allowed to have backyard farm plots or gardens.
3. Agricultural uses, including the production of field crops, fruits, nuts, vegetables and forest products. Livestock and poultry are permitted provided that poultry houses are located a minimum of 100 feet from the boundary of any other land use district, The required setback does not apply to the boundary of an Agricultural Forestry District.
4. Farm structures, including barns, grain storage facilities, implement sheds and other structures accessory to agricultural uses meeting the required property line setback of 15 feet (not including stream setbacks).
5. Child caring institutions that provide traditional care or BASE care - base watchful oversight (BWO) in a home-like setting, and are licensed by the State of Georgia for providing such services. This setting shall be limited to a group care capacity of no more than 12 children, including the biological or adopted children of any host family serving the child caring institution.
6. Home occupations as defined and limited by this ordinance.

##### Section 1002. - Conditional uses.

1. Cemeteries, churches, temples, synagogues and places of worship set back 50 feet from all property lines.

2. Parks, playgrounds, community centers, swimming pools, golf courses and other recreational facilities operated on a non-profit basis.
3. Public, semi-public buildings, structures and uses.
4. Public, private and parochial schools and related educational institutions not offered for profit.
5. Single family residences placed with vacation rental cabin agencies or placed in a short-term rental program provided that the owner obtains an occupational tax certificate and a certificate of taxing authority.
6. Agri-tourism, heritage tourism, wedding tourism, event facilities and attractions, as defined by this resolution, with required driveway access improvements and parking facilities and provided that all structures and activity areas are buffered and located a minimum of 100 feet from the boundary of any other land use district.
7. Child caring institutions providing other types of residential care and room, board and watchful oversight.

Section 1003. - District requirements.

1. Minimum area for a residential lot:
  - a. One acre for stand-alone lots or residential development.

ARTICLE XI. - RESIDENTIAL MULTI-FAMILY DISTRICT, R-2

Section 1100. - Purpose and intent.

The Residential Multi-Family District is intended to provide suitable areas for the development of a variety of multi-family dwelling types at medium to high densities, up to 16 units per acre. The intent of this district is to locate in area or in close proximity to where public water and public waste water treatment services are available and adequate access to the state highway and county major arterial transportation network. The location of this district is more compatible with higher densities and access to commercial facilities and community services. Developments within this district should also look to provide non-motorized alternatives to motorized transportation to access adjacent commercial facilities and community services.

Manufactured and mobile home parks for rental purposes only are allowed within this district at a density of one unit per acre and shall follow the requirements in the White County Code for manufactured mobile home parks.

This district also includes uses that require a special use permit (SUP) from the White County Commission. Uses requiring special use permits are those that would not be appropriate without restrictions and is not permitted by right or conditionally, but allowed through regulations as to the number, area, location, relation to neighborhoods, operations or other pertinent considerations and specification/criteria as specified in this Code.

Section 1101. - Permitted uses.

1. Residences, multi-family, not to exceed 16 units per acre, including:
  - a. Apartments.
  - b. Condominiums.
  - c. Townhouses.
  - d. Duplexes, with shared driveways.
2. Manufactured housing or mobile home parks in conformance with the White County manufactured mobile home park requirements in the White County Code.

3. Accessory uses and structures normally incidental and subordinate to one or more permitted uses.
4. Home occupations as defined and limited by this ordinance.

Section 1102. - Conditional uses.

1. Churches, temples, synagogues and places of worship set back 50 feet from all property lines.
2. Residences, single-family attached, with shared driveways and service alleys, not to exceed four units per acre.
3. Residences, single-family, detached cottage dwellings, not to exceed five units per acre and shared driveways are utilized.
4. Parks, playgrounds, community centers, swimming pools, golf courses and other recreational facilities operated on a non-profit basis.
5. Public, semi-public buildings, structures and uses.
6. Public, private and parochial schools and related educational institutions not offered for profit.
7. Ground level retail or service establishments not to exceed 1,000 square feet for each space.
8. Rooming or boarding houses.

Section 1103. - General provisions for residential multi-family district uses.

Section 1103.1. - Plan review and site plan approval required.

All developments within this district shall follow the requirements and procedures of Plan Review and site plan approval in accordance with established procedures established in this appendix.

Section 1103.2. - Site plan requirements.

All site plans required by this section, shall at a minimum, contain the following information:

1. Title or name of the proposed development.
2. Scale (minimum) 1" = 100 feet.
3. Sheet size (maximum) 24"×36".
4. North arrow and graphic engineering scale.
5. Description of water supply and sewerage system.
6. Vicinity map.
7. Total acreage.
8. Total disturbed acreage.
9. Name, address, and phone number of owner of record.
10. Name, address, and phone number of preparer of plan.
11. Date of plan drawing and revision date(s) if any.
12. Existing buildings and structures on or encroaching on the tract.
13. Proposed buildings, structures, and amenity areas on the tract.
14. Existing streets, utilities, and easements on and adjacent to the tract.
15. Proposed streets, utilities, and easements on and adjacent to the tract.

16. Environmental conditions (streams, wetlands, watersheds, ground water recharge areas, flood hazard areas, river corridor protection boundaries, mountain and hillside protection areas, etc.).
17. Right-of-way widths and pavement widths for abutting streets and existing and proposed streets.
18. Locations of drainage structures and storm water management facilities.
19. Minimum building setbacks.
20. Location of nearest fire hydrant.
21. Land surveyor's stamp, certificate, and signature, including field survey and closure statement.

#### Section 1103.3. - Parking.

Off-street, paved parking facilities shall be groups in bays, either adjacent to street or in the interior of blocks. No off-street parking shall be more than 100 feet by the most direct pedestrian routes from a door of the dwelling unit it is intended to serve. Parking shall be provided at the rate of two parking spaces per each housing unit in the development. Visitor parking areas shall be designated and provided at the rate of one parking space per two housing units in the development. Visitor parking areas shall not be utilized for patron or complex storage, or serve as an area [for] automotive maintenance, construction repair or property maintenance.

#### Section 1103.4. - Interior roads and sidewalks.

Interior roads serving any proposed development within this district shall be constructed and paved in accordance with those standards identified in the White County Subdivision Regulations.

Sidewalks and cross walks shall be provided to allow pedestrian access and safe movement from housing units to designated parking areas, amenity areas, service facilities, along all interior streets and shall provide access to the entrance and exits of the proposed development.

#### Section 1103.5. - Fire protection.

All proposed multi-family developments within this district shall provide fire protection in the form of placement of water systems, fire hydrants, sprinkler systems, fire walls, and alarms systems as required [by] local and state fire codes.

#### Section 1103.6. - Street lighting.

Street lighting shall be required at each entrance and exit to the proposed development and at every street intersection within the development. Street lighting shall be placed and staggered, at a maximum, every 300 feet along the streets within the proposed development, and street lighting shall be placed at every parking bay within the proposed development.

#### Section 1103.7. - Setback, buffer, landscaping and open space requirements.

All developments within this district shall conform to the following requirements in order to promote the health, safety, order, aesthetics and general welfare of the community by: protecting against incompatible uses of land; controlling problems of flooding, soil erosion and air pollution; providing for a more attractive environment; and, reducing noise, night lighting, glare, odor, objectionable view, loss of privacy, and other adverse impacts and nuisances through the use of buffers, landscaping and open space.

Each development shall have a minimum of 20 percent of the development's total land area as landscaped open space or natural (green) space. All streams and stream buffers shall be withheld and placed in common space. A side and rear setback and buffer of at least 30 [feet] shall be provided and maintained. Utilization of existing trees is appropriate for inclusion within the buffer, or when not found appropriate, shall be supplemented with approved tree planting and landscaping.

Section 1103.8. - Utilities.

All developments within this district shall be served by approved public water and public sanitary sewer facilities. All electric, natural gas, communication and data lines serving the proposed developments shall be placed underground. Meter boxes shall also be clustered in designated sites and adequately buffered. Nonpublic water systems shall meet all Georgia Environmental Protection Division (EPD) state requirements.

Where easements are needed for utility locations, they shall be provided by the developer to the appropriate utility provider. Easements having a minimum width of 15 feet shall be provided, where required for utility lines and underground mains and communication lines. Where easements are needed for public water and/or sanitary sewer lines, they shall be provided as determined appropriate by the appropriate utility agency. All easements required shall be shown on the preliminary plat and final plat and development plans.

Section 1103.9. – Storm water management.

Where a proposed development is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water or drainage easement of minimum 20 feet in width. Easements for storm pipes shall be at least ten feet wide, and all easements shall be provided for all drainage facilities in accordance with the Georgia Storm water Management Manual and approved by the director of public works.

All proposed developments within this district shall be designed in accordance with storm water management standards in the Georgia Storm water Management Manual.

In addition, to the design and installation [of] storm water management facilities, the developer shall provide a long term maintenance plan for such facilities, including designating long term responsibility for the management and maintenance of the storm water facilities.

Section 1103.10. - Refuse collection.

Each proposed development shall provide refuse collection pads at locations that are convenient to each housing unit, but in no case more than 50 feet from the street or parking area serving each housing unit. Refuse collection sites must be properly screened and buffered, and designed not to negatively impair any storm water draining off the location.

Section 1103.11. - Street names and unit numbering.

Each proposed development within this district shall follow the street name and number system within the White County Code and shall be approved by the White County GIS/Mapping Department.

Section 1103.12. - Service buildings and amenity areas.

Service buildings, offices, maintenance structures and barns, amenity areas, and other facilities shall be centrally grouped and conveniently located for patrons.

All developments with ten or more family units shall provide an amenity area for use by residents at the rate of 100 square feet for each living unit. Areas, including but not limited to, pools, tennis courts, playgrounds, public shelters, walking paths, and other areas of common access may be included in this calculation.

All multi-family developments shall provide adequate covered school bus stop shelters accessible to a designated school bus route.

Section 1103.13. - Signage.

Signs and signage within proposed developments within this district shall be permitted in accordance with the sign regulations in the White County Code.

Section 1103.14. - Apartment complex requirements.

1. Minimum lot size for apartment developments is five acres.
2. Minimum lot width shall be 100 feet and minimum lot frontage of 60 feet along either a state route or major arterial county route.
3. Apartment developments shall have a front setback of a minimum of 50 feet from the route it is accessing.
4. No apartment building or structure shall exceed the height of 40 feet.
5. Apartment buildings shall be constructed to have a minimum separation of at least 20 feet if one or more buildings contain two or more stories. The fire service code may require a greater separation as building height increases.
6. All dwelling units shall have a minimum heated floor area of 800 square feet.
7. No more than 16 units shall be permitted to form any one single building.

Section 1103.15. - Condominium development requirements.

1. All condominium developments shall meet all applicable state laws, including the Georgia Condominium Act.
2. Minimum lot size for condominium developments is three acres.
3. Minimum lot width shall be 100 feet and minimum lot frontage of 60 feet along either a state route, county arterial or collector route.
4. Condominium developments shall have a front setback of a minimum of 50 feet from the route that it is accessing.
5. No building or structure shall exceed the height of 40 feet.
6. Apartment buildings shall be constructed to have a minimum separation of at least 20 feet if one or more buildings contain two or more stories. The fire service code may require a greater separation as building height increases.
7. All dwelling units shall have a minimum heated floor area of 800 square feet.
8. No more than eight units shall be permitted to form any one single building.
9. Proposed by-laws for the condominium development shall be filed and recorded with the White County Clerk of Court.

Section 1103.16. - Townhouse development requirements.

1. Each townhouse shall be its own lot of record.
2. Minimum area for townhouse developments is three acres.
3. Minimum lot width for the overall development shall be 100 feet and minimum lot frontage of 60 feet along either a state route, county arterial or collector route.
4. Townhouse developments shall have a front setback of a minimum of 50 feet from the route that it is accessing.
5. No townhouse building or structure shall exceed the height of 40 feet.

6. Townhouse buildings and structures shall be constructed to have a minimum separation of at least 20 feet if one or more buildings contain two or more stories. The fire service code may require a greater separation as building height increases.
7. All dwelling units shall have a minimum heated floor area of 800 square feet.
8. No more than four units shall be permitted to form any one single building.
9. Townhouses may utilize shared driveways in lieu of off-street parking in bays.

Section 1103.17. - Duplex, cottage and attached housing requirements.

1. Minimum area for a duplex, cottage and attached housing development shall be three acres.
2. Each cottage and attached housing units shall be its own lot of record.
3. Minimum lot width for the overall development shall be 100 feet and minimum lot frontage of 60 feet along either a state route or county arterial route.
4. Duplex, cottage and attached housing developments shall have a front setback of a minimum of 50 feet from the route it is accessing.
5. No building or structure shall exceed the height of 35 feet.
6. Buildings and structures shall be constructed to have a minimum separation of at least 30 feet. The fire service code may require a greater separation as building height increases.
7. Each duplex and cottage dwelling unit shall have a minimum heated floor of 800 square feet. Floor area for a cottage dwelling unit shall not exceed 1,100 square feet.
8. Front, side and rear setbacks for cottage housing and attached housing shall be 15 feet.

Section 1104. - Special use permit.

1. Group recovery homes/centers and rehabilitation facilities involving professional care and treatment.

ARTICLE XII. - RESIDENTIAL DISTRICT (SEASONAL), R-3

Section 1200. - Purpose and intent.

There exists in White County a large percentage of the county wide housing stock that is utilized for seasonal, second home and vacation housing. The most recent U.S. Census reported that more than 20 percent of the total housing stock in White County was classified as seasonal housing. Many of these housing units are second homes or vacation homes that are placed in vacation cabin rental programs. Additionally, there are rental cabin resorts located primarily in the northern sections of White County. Other types of seasonal housing include the placement of park model recreation vehicles that are employed primarily by visitors and vacationers during the summer and fall seasons in recreation vehicle (RV) park developments and resorts. Campgrounds and outdoor recreation camps and retreats also house visitors temporarily in White County throughout the tourist season.

The purpose and intent of the Seasonal Residential (SR) land use classification is to establish an area to provide housing and service needs of vacationers and seasonal residents or others. The land uses in this land use classification must also meet additional development requirements found in the White County Code for their respective type of development.

This district also includes uses that require a special use permit (SUP) from the White County Commission. Uses requiring special use permits are those that would not be appropriate without restrictions and is not permitted by right or conditionally, but allowed through regulations as to the number, area, location, relation to neighborhoods, operations or other pertinent considerations and specification/criteria as specified in this Code.

Section 1201. - Permitted uses.

1. Rental tourist cabins developments in accordance with the appropriate ordinance in the White County Code.
2. Recreation vehicle parks and recreation trailer developments in accordance with the appropriate ordinance in the White County Code. Planned developments for RV lots require a minimum of one-half acre per lot.
3. Outdoor recreation uses, camps, campgrounds and retreat facilities are permitted uses provided that all structures and activity areas are buffered and located a minimum of 100 feet from the boundary of any other land use district.
4. Bed and breakfast establishments and inns not to exceed 15 guest rooms.
5. Single family residences placed with vacation rental cabin agencies or placed in a short-term rental program provided that the owner obtains an occupational tax certificate and a certificate of taxing authority.

Section 1202. - Conditional uses.

1. Convenience retail store and service offices not to exceed 500 square feet.
2. Parks, playgrounds, community centers, swimming pools, golf courses and other recreational facilities operated on a non-profit basis.
3. Public, semi-public buildings, structures and uses.

Section 1203. - Special use permit.

1. Amusement parks, attractions and performance entertainment facilities.

ARTICLE XIII. - COMMUNITY COMMERCIAL DISTRICT, C-1

Section 1300. - Purpose and intent.

The Community Commercial District is intended to provide for limited small-scale commercial uses of a convenience nature serving nearby residential communities as opposed to a regional market. This district is not intended to accommodate automotive or other types of more intensive commercial activities that are of such magnitude or type that would result in the generation of excessive traffic noise, odors, pollution, safety hazards, or other adverse impacts which detract from the desirability of adjacent properties for residential and agricultural use. In general, the Community Commercial District includes retail and service establishments and provides suitable areas for the development of offices and professional enterprises, but excludes those highway oriented uses which involve the use of chemicals, outside sales, storage or display. This district is also intended to apply to areas with a transitional character, where such permitted uses provide a buffer or transition between more intensive non-residential uses and residential districts. No structure in the Community Commercial District shall exceed 20,000 square feet.

Section 1301. - Permitted uses.

1. Accessory uses and structures normally incidental and subordinate to one or more permitted uses.
2. Antique shops.
3. Art and school supply stores.
4. Automated car washes, as an accessory to convenience stores with retail gasoline.
5. Bakeries and other food or beverage production, including micro-breweries.

6. Banks and financial institutions, including drive-in, drive-through, and automatic teller facilities as accessory uses.
7. Barber shops, beauty shops, nail salons, tanning salons.
8. Books, card or office supplies stores.
9. Clothes pressing, alteration, rental and sales, but not including department stores.
10. Convenience food and retail stores.
11. Day care centers.
12. Drug stores, gift shops and pharmacies.
13. Dry-cleaners and laundromats.
14. Electronic and communication equipment and software sales and repair.
15. Food and grocery stores.
16. Food catering establishments.
17. Florist shops, nurseries and garden stores.
18. General and hardware stores.
19. Instructional studios.
20. Interior decorating and paint stores.
21. Jewelry stores, watch and clock sales and repair.
22. Libraries, museums, and art galleries.
23. Locksmith shops.
24. Music stores.
25. Offices, business, medical, professional, insurance, real estate and travel agencies.
26. Photography studios and shops.
27. Printing, reproductions and photocopying services.
28. Public and semi-public buildings, structures and uses.
29. Restaurants, sandwich shops, brew pubs, coffee shops.
30. Small appliance repair and sales, provided that storage yards or areas are located at the rear of the property and are fenced and screened
31. Sporting goods and related.
32. Toy and other retail stores.
33. Workout and exercise facilities.

Section 1302. - Conditional uses.

1. Cemeteries, churches, temples, synagogues and places of worship set back 50 feet from all property lines.
2. Clubs, lodges, fraternal institutions and other places of public assembly for membership groups, non-profit or profit, not to exceed 10,000 square feet.
3. Residences, single-family attached units and detached cottage units, and multi-family.
4. Public, private and parochial schools and related educational institutions not offered for profit.

5. Storage space rental facilities (mini-storage), where no individual storage stall or compartment exceeds 500 square feet of total floor area; not to exceed two acres, are fenced, set back 35 feet from the side and rear property lines and screened at side and rear of the property; outdoor storage is prohibited.
6. Temporary sales for Christmas trees, farmers markets, firewood, etc.

#### ARTICLE XIV. - HIGHWAY BUSINESS DISTRICT, C-2

##### Section 1400. - Purpose and intent.

The Highway Business District (HB), is intended to provide adequate space for various types of general business uses that serve residents on a regional level rather than at a neighborhood or community level, including the retailing of major goods and services of large scale automotive and other types of more intensive commercial activities and establishments that rely on highway oriented, passer-by traffic. This district also recognizes that many tourism businesses and venues are located along highway and major arterial routes in order to take advantage of the high traffic volume from visitors to the area.

This district also includes a number of businesses and establishments uses that require a special use permit (SUP) from the White County Commission. Uses requiring special use permits are those that would not be appropriate without restrictions and is not permitted by right or conditionally, but allowed through regulations as to the number, area, location, relation to neighborhoods, operations or other pertinent considerations and specification/criteria as specified in this Code.

##### Section 1401. - Permitted uses.

1. Accessory uses and structures normally incidental and subordinate to one or more permitted uses.
2. Any use permitted in the Community Commercial District, but not subject to any specified square footage limitations; conditional uses shall remain conditional in this district.
3. Agricultural equipment, implement sales, service, rental and repairs.
4. Amphitheaters and stadiums.
5. Animal hospitals and veterinary clinics.
6. Assembly halls, auditoriums and meeting halls.
7. Auction facilities, provided that storage yards are located at the rear of the property, are fenced and screened.
8. Automobile, truck, motorcycle, boat, and other vehicle sales, rental, repair, service, and part sales, provided that storage yards or areas are located at the rear of the property and are fenced and screened.
9. Automobile and vehicle washes, including automated, full service or self-service that meet storm water management requirements from the Georgia Storm water Management Manual.
10. Banks and financial institutions.
11. Billiard halls, pool rooms and amusement/video arcades and gaming facilities.
12. Bowling alleys and skating rinks.
13. Building and home materials, supplies sales and lumber yards.
14. Bus passenger stations and terminals.
15. Business and technology parks.
16. Butcher Shops.
17. Cabinet shops.

18. Call centers and data communication facilities.
19. Camper and recreational vehicle sales, service, and repair, provided that storage yards or areas are located at the rear of the property and are fenced and screened.
20. Cemeteries, churches, temples, synagogues and places of worship set back 50 feet from all property lines.
21. Clubs, lodges and fraternal institutions.
22. Colleges, universities and technical college campuses.
23. Contractor's establishments, building, electrical, plumbing and swimming pools.
24. Convalescent homes, nursing homes, personal care homes, group care homes, rehabilitation centers, and similar institutionalized residential facilities involving professional care and treatment.
25. Department stores.
26. Equipment sales, rental and service, provided that storage yards or areas are located at the rear of the property and are fenced and screened.
27. Exterminator and pest control services.
28. Firearms, hunting and camping equipment sales and service, including gun clubs and indoor shooting ranges. This does not include the manufacturing of ammunition.
29. Funeral homes, mortuaries, mausoleums, and crematories.
30. Furniture, fixture, home furnishings, including rental, finishing, repair and sales, but not manufacturing.
31. Garden supply centers, greenhouses and landscaping services.
32. Golf courses and driving ranges, miniature golf, batting cages, go-cart and similar recreation uses.
33. Health clubs and spas.
34. Heliports and helistops.
35. Hospitals and health clinics; does not include pain management clinics.
36. Hotels, motels and other lodging type inns.
37. Household appliance sales and repair, provided that storage yards or areas are located at the rear of the property and are fenced and screened
38. Kennel boarding care (short-term) facilities. This does not include animal breeding facilities.
39. Lawn mower and power equipment sales, rental, and service provided storage yards or areas are located at the rear of the property and are fenced and screened.
40. Machine shops.
41. Mini-warehouse and mini-storage facilities provided storage yards or areas are located at the rear of the property and are fenced and screened.
42. Manufactured housing and building sales, but not including residential occupancy of such housing.
43. Monument sales establishments.
44. Offices, business, medical and professional.
45. Open air businesses and flea markets provided that parking is provided at the front of the facility and market area are located at the sides and rear of the property; such uses shall be fenced and screened.
46. Parking lots and parking garages.

47. Pawn shops, provided that storage yards or areas are located at the rear of the property and are fenced and screened.
48. Pet stores and grooming establishments.
49. Printing establishments.
50. Race tracks, provided the site contains a minimum of 25 acres.
51. Radio and television studios, communication and broadcasting facilities.
52. Research and scientific laboratories.
53. Restaurants, indoor and outdoor dining.
54. Sign fabrication and painting shops.
55. Taxi and limousine services.
56. Taxidermist shops.
57. Theaters, indoor and outdoor.
58. Tourist shops, retail, dining, services, winery tasting rooms, and outdoor recreation.
59. Training for educational facilities that are for profit.
60. Trash collection establishments.
61. Truck terminals and stops.
62. Welding shops.
63. Wholesale establishments, provided that storage yards or areas are located at the rear of the property and are fenced and screened.

Section 1402. - Conditional uses.

1. Agri-tourism, heritage tourism facilities and attractions, as defined by this resolution, with required driveway access improvements and parking facilities and provided that all structures and activity areas are buffered and located a minimum of 50 feet from the boundary of any other land use district.
2. Warehousing uses, provided that storage yards or areas are located at the rear of the property and are fenced and screened.
3. Radio or communication towers, transmission or communication substations.

Section 1403. - Special use permit.

1. Palm reading, clairvoyant, astrologers and fortune telling.
2. Substance abuse and treatment facilities.
3. Hookah bars.
4. Internet cafes.
5. Pain management clinics.

ARTICLE XV. - INDUSTRIAL DISTRICT, I

Section 1500. - Purpose and intent.

The Industrial District is established with the purpose of reserving certain areas with relatively level topography, adequate provision of water and sewerage facilities, and access to state highway and county

arterial routes for industrial and manufacturing operations, but where such areas' proximity to residential and other districts makes it desirable to limit such operations to those areas that are not objectionable by reason of the emission of noise, vibration, smoke, dust, gas, fumes, odors or radiation, and that do not create fire or explosion or chemical hazards or other objectionable conditions. Uses within this district do not require substantial quantities of water for manufacturing operations and do not necessarily rail, air or water transportation. Certain commercial uses having an open storage characteristic, or which are most appropriately located as neighbors of industrial uses are also included within this district. All uses within this district shall be setback and buffered a minimum of 100 feet from all residential and agricultural districts.

This district also includes a number of businesses and establishments uses that require a special use permit (SUP) from the White County Commission. Uses requiring special use permits are those that would not be appropriate without restrictions and is not permitted by right or conditionally, but allowed through regulations as to the number, area, location, relation to neighborhoods, operations or other pertinent considerations and specification/criteria as specified in this Code.

#### Section 1501. - Permitted uses.

1. Accessory uses and structures normally incidental to permitted principal uses, including offices, showrooms, and administrative facilities.
2. Agricultural equipment, implement sales, service, rental, repairs and storage.
3. Blueprinting and printing establishments.
4. Building material and other outside storage yards.
5. Contractor's and building establishments to include building, electric, plumbing, and swimming pools.
6. Distribution center of products and merchandise.
7. Dry-cleaning plants.
8. Junkyards and used auto parts yards, provided that yards or areas are located at the rear and sides of the property and are fenced and screened.
9. Kennel boarding care (short-term) facilities. This does not include animal breeding facilities.
10. Lumber yards, planing and sawmills.
11. Machine shops.
12. Mini-warehouse and mini-storage facilities provided storage yards or areas are located at the rear of the property and are fenced and screened.
13. Open air businesses and flea markets provided that parking is provided at the front of the facility and market area are located at the sides and rear of the property; such uses shall be fenced and screened.
14. Parking lots and parking garages.
15. Race tracks, provided the site contains a minimum of 25 acres.
16. Radio and television studios, communication and broadcasting facilities.
17. Research and scientific laboratories.
18. Sign fabrication and painting shops.
19. Storage buildings and storage yards.
20. Soft drink bottling and distribution plants.
21. Truck terminals and truck stops.
22. Welding and metal fabrication shops.

23. Wholesaling and warehousing facilities.
24. Wreck motor vehicle compounds, provided storage yards or areas are located at the rear of the property and are fenced and screened.

Section 1502. - Conditional uses.

1. Canning establishments.
2. Ceramic production facilities.
3. Cold storage, frozen food lockers and ice manufacture.
4. Concrete, cement, clay, mortar and plaster production.
5. Heliports and helistops.
6. Feed, grain, or fertilizer manufacture or storage.
7. Food processing plants, including beef, fish, pork and poultry facilities.
8. Manufacturing, processing and assembling of the following products: consumer, chemicals, floor coverings, glass, machinery, metals, paper, plastics, rubber, textiles, tobacco and wood.
9. Outdoor storage and materials management facilities.
10. Radio or communication towers and transmission or communication substations.
11. Residences for a caretaker or night watchman.
12. Salvage, auto and junk yards and storage yards.
13. Shooting ranges, including indoor facilities.

Section 1503. - Special use permit.

Uses requiring special use permits as found in this resolution shall be allowed within the Industrial (I) District.

1. Adult entertainment.
2. Adult book, video and novelty establishment.
3. Airport facilities.
4. Amusement parks, attraction and entertainment establishments.
5. Animal mills or pet breeding facilities.
6. Auto or motor vehicle race tracks.
7. Fuel storage facilities or depots.
8. Explosive or ammunition manufacturing.
9. Hazardous and biological handling, processing and disposal.
10. Incineration of hazardous waste and materials.
11. Landfills (all types).
12. Manufacturing of hazardous chemical gases.
13. Meat processing and slaughter yards.
14. Extraction, dredging or removal of sand, gravel, top soil, clay, dirt, precious metals, gems, minerals or other natural resources, including processing of the materials.
15. Nudist clubs/colonies, swinger clubs, pleasure spas.

16. Paper or pulp mills.
17. Rendering of animal fats or parts or distillation of bones.
18. Rooming, boarding or group housing, and group recovery homes/centers.
19. Septic and grease trap treatment facilities.
20. Smelting of metals.
21. Solid waste handling, storage, transfer or materials recovery and recycling facilities.
22. Waste and wastewater treatment, processing, and land application systems.
23. Work release or detention facilities (private).

ARTICLE XVI. - PLANNED DEVELOPMENT DISTRICT, (PD)

Section 1600. - Purpose and intent.

It is the purpose of the Planned Development District (PD) to provide and encourage a voluntary alternative to the strict segregation of lot and property uses contained in the other districts in this resolution. The rural portions of White County are very important to the overall scenic, open space and agricultural character of the county. Typical practices of platting subdivisions and strip commercial centers create sprawling development land out with little regard for natural, agricultural, scenic and historic resources, with very little variety in design and density, and with little open space accessible to nearby property owners or the public. The Planned Development District is a flexible alternative approach which encourages the grouping of buildings and lots on a small portion of the tract where the developer can maintain the same residential, but offer smaller lots with the remaining land dedicated or reserved for open space, agriculture or recreation. The land within an approved planned development is intended to be planned and developed by a single developer or group as a single, entire unit of land. Land within a Planned Unit Development District shall not be subdivided and sold to others prior to completion of the installation of required improvements.

It is the intent of the Planned Development District to provide maximum flexibility with regard to the mixture of land uses. Within a Planned Development District, any land use, may be permitted if such use or uses can be shown to provide an orderly relation and function to other uses in the development and to existing land uses, as well as with due regard to the comprehensive plan. The permitted use or uses of property located in the planned development shall be determined at the time the land use district and development plan is approved, and development within the district shall be limited to those uses specifically requested as part of the application and approved by the board of commissioners, unless otherwise specifically noted in the board's approval of the Planned Development Land Use District.

This district is to be utilized as a "floating zone" which shall mean that areas will not be pre-designated as Planned Development Districts but rather each such designation shall result from a specific and separate application for amendment. Planned Development Districts are separate land use districts and shall follow the same amendment procedures as other districts. Unless otherwise stated in this section, the development standards and the land uses which are presented with the application for amendment shall, if approved, become the standards for the subject property and shall become a part of the land use regulations.

A Planned Development District must contain a minimum area of 20 contiguous acres, a minimum lot width of 500 feet and must have a minimum of 100 feet of frontage on a public street, which shall provide access to such public street.

Section 1601. - Permitted uses.

1. Any use permitted in a residential district.
2. Commercial, office, public, semi-public and industrial uses serving the residents of the development, not to exceed 40 percent of the total land area of the development.

3. Agricultural, forestry and recreation uses established for open space, green space and amenities serving the development and surrounding community.

Section 1602. - Letter of intent and development agreement.

Applications for land use to a Planned Development District shall require a letter of intent from the developer, which shall contain a report that explains the intent, type, nature, size and characteristics of the proposed development. The letter shall contain data stating the total number of acres (or square feet) proposed for each type of land use, including public facilities, within the proposed development. In addition, the letter of intent should provide a clear explanation of why the proposed development standards are necessary if the above proposed standards vary from existing standards in the land use regulations.

A development agreement is a negotiated agreement between the county and a developer. It shall include how the development will be phased and constructed over an extended period of time. The development agreement shall bring certainty and flexibility of requirements that will govern the development over the established time. In reciprocating to "lock in" the current and negotiated development requirements for the development over the established time period, the county shall receive agreement from the developer to install infrastructure or take other agreed upon actions that further the public interest.

Section 1603. - Site plan approval.

Applications for a Planned Development District shall require a site plan. Site plans shall be prepared by a professional engineer or architect and include the stamp or seal of registration and initials on the plan.

All site plans required by this section, shall at a minimum, contain the following information:

1. Title or name of the proposed development.
2. Scale (minimum) 1" = 100 feet.
3. Sheet size (maximum) 24"x36".
4. North arrow and graphic engineering scale.
5. Description of water supply and sewerage system.
6. Vicinity map.
7. Total acreage.
8. Total disturbed acreage.
9. Name, address, and phone number of owner of record.
10. Name, address, and phone number of preparer of plan.
11. Date of plan drawing and revision date(s) if any.
12. Existing buildings and structures on or encroaching on the tract.
13. Proposed buildings, structures, common/green space and amenity areas on the tract.
14. Existing streets, utilities, and utility easements on and adjacent to the tract.
15. Proposed streets, utilities, fire and life safety infrastructure and easements on and adjacent to the tract.
16. Environmental conditions (streams, wetlands, watersheds, ground water recharge areas, flood hazard areas, river corridor protection boundaries, mountain and hillside protection areas, etc.).
17. Right-of-way widths and pavement widths for abutting streets and existing and proposed streets.

18. Locations of drainage structures and storm water management facilities.
19. Minimum building setbacks.
20. Location of nearest fire hydrant.
21. Land surveyor's stamp, certificate, and signature, including field survey and closure statement.

Section 1604. - Recommendations for design.

The following specifications are not regulations, but recommended guidelines to be utilized:

1. Unless topographical or other barriers protect the privacy of existing adjoining uses, structures or buildings located at the perimeter of the planned unit development should be setback a distance of at least 100 feet to protect the privacy and amenities of adjacent, existing uses.
2. Structures or buildings located at the perimeter of the development should be permanently screened in a manner that sufficiently protects the privacy and amenities of the adjacent, existing uses.
3. Uses should be predominantly residential in accordance with the use recommendations of the comprehensive plan.
4. Where appropriate, the planned development should provide for more than just one type of dwelling unit, such as townhouses, duplexes, and multi-family dwellings.
5. Multi-family dwellings should not comprise more than 25 percent of the total dwelling units within the proposed development.
6. Sites for churches, schools, community or club buildings, and similar civic or semi-public facilities are encouraged to be provided, where appropriate.
7. Commercial and offices uses, if proposed, should be located in careful relation to other land uses within and outside of the development; they should be scaled so that they primarily serve the occupants of the planned development; they should be designed and oriented to face the interior of the planned development rather than oriented toward passer-by traffic exterior to the planned development. In residential districts, the amount of land in a planned development devoted to commercial and office uses should not exceed 15 percent of the unit of land within the planned development unless it can be shown that a greater percentage of land devoted to such uses is more conducive to the mix of uses.
8. Industrial uses are not typically considered to be appropriate for inclusion within planned developments; however, such uses are not prohibited and may be proposed and approved in larger (e.g., 50 acres or more) planned developments where living and working areas need to be proximate to one another, subject to separation and screening requirements to avoid nuisances.
9. Common space, open space, green space and amenity areas should be presented along with ownership agreements and maintenance programs for storm water management facilities.

Section 1605. - Revisions to the approved planned development application.

Any additions in the types of land uses, increases in the square footage or density, decreases in lot sizes, changes in the location or dimension of streets, decreases in dwelling unit floor areas, increases in non-residential floor areas, major alteration in the land use patterns, or other substantial changes in common space, or amenities which result in a development of such intent and character which has not been conceptually approved by the governing body shall require additional approval in accordance with the procedures established in this resolution and may require amendment of the development agreement. Otherwise, minor changes may be approved by the county planning department prior to issuance of building permits.

## ARTICLE XVII. - SPECIAL USE PERMITS AND CONDITIONAL USES

### Section 1700. - Special use permits.

The special use permit is designed to be used when:

- (a) A special use listed under the land use district is desired would not be appropriate without restrictions and is not permitted by right or conditionally, but allowed through regulations as to the number, area, location, relation to neighborhoods, operations or other pertinent considerations and specification/criteria as specified in this Code; or
- (b) A unique use not addressed in any land use district is desired for development and is not likely to be duplicated within White County.

In order to accommodate these special uses, the special use permit allows the board of commissioners to approve a special use on a particular lot or tract without changing the general land use district. Such approval shall be subject to the requirements set forth below and any additional conditions deemed necessary to ensure the compatibility or reduce conflict of the special use with the surrounding properties. All special use permit applications shall be for firm development proposals only. The special use permit shall not be used for securing early land use for conceptual proposals which may not be undertaken for some time. A special use permit application shall be considered only if it is made by the owner of the property or his/her authorized agent. The minimum requirements for a special use permit are:

- (1) Any uses permitted under a special use permit shall also conform to the requirements of this resolution and the development regulations for the use as found in the land use district.
- (2) Special use permits shall be considered and issued within only those designated districts of this appendix.
- (3) The application and review process for a special use permit shall be the same as for the land use district under which the special use is found. In addition to the information and/or site plans which are required to be submitted for the proposed development, additional information deemed necessary by the director in order to evaluate a proposed use and its relationship to the surrounding area shall be submitted. In the review process, particular emphasis shall be given to the evaluation of the characteristics of the proposed use in relationship to its immediate neighborhood and the compatibility or conflict of the proposed use with its neighborhood.
- (4) In the approval process for a special use permit application, the board of commissioners shall consider the policies and objectives of the comprehensive plan, particularly in relationship to the proposed site and surrounding area, and shall consider the potential adverse impacts on the surrounding area, especially with regard to but not limited to traffic, storm drainage, land values and compatibility of land use activities.
- (5) If an application is approved and a special use permit is granted, all conditions which may have been attached to the approval are binding on the property. All subsequent development and use of the property shall be in accordance with the approved plan and conditions. Once established, the special use shall be in continuous operation. Upon discovery that the operation of the special use has or had ceased for a period of 90 days or more and the owner of the property has not requested voluntary termination of the special use permit, the director shall forward a report to the board of commissioners through the planning commission which may recommend that action be taken to remove the special use permit from the property.
- (6) Changes to a special use or development of a site for the special use shall be treated as an amendment to the special use permit and shall be subject to the same application and review process as a new application.
- (7) The special use for which a special use permit is granted shall commence operations or construction within 12 months of the date of approval by the board of commissioners. If, at the end of this 12-month period, the director determines that active efforts are not proceeding

toward operation or construction, a report may be forwarded to the board of commissioners through the planning commission which may recommend that action be taken to remove the special use permit from the property.

- (8) An application for a special use permit in a residential district and which use is proposed to operate in a dwelling or as an accessory use to a dwelling is subject to the following additional requirements:
  - a. The special use permit shall be valid for no more than a two-year period. Upon or before the expiration of a special use permit, the owner shall make application to continue the special use permit if continuance is desired. However, after the first two-year period the board of commissioners may waive the two-year time limitation with the concurrence of the planning commission.
  - b. The special use shall operate within the dwelling on the property or, if approved by the board of commissioners, in an accessory structure.
  - c. The exterior character of the dwelling shall be preserved in its residential state and there shall be no outside evidence of the operation of the special use to the neighborhood, except for any accessory structure approved by the board of commissioners.
  - d. The owner of the property shall occupy the property and shall operate any business associated with the special use.
  - e. The owner of the property shall submit with the application a signed statement in which he/she agrees that the special use permit, if approved, shall automatically terminate in the event that the property is sold, transferred or otherwise conveyed to any other party, or the business which operates the special use is sold, transferred, otherwise conveyed or discontinued. The owner shall also agree to notify the director in writing upon the occurrence of any of these events.
  - f. In addition to the information and/or site plans required by this section, the owner of the property shall submit with the application for a special use permit information regarding the ownership of any business associated with the use, the experience and background qualifications related to the operation of said business, prior similar businesses operated, applicable State of Georgia certifications, licenses and like information.
- (9) The owner of the property approved for a special use may voluntarily request termination of the special use permit by notifying the director in writing. The director shall notify the board of commissioners through the planning commission of the voluntary terminations as they occur and shall change the official land use maps to reflect any voluntary terminations. The approval of a special use permit for a specific use which may be operated by a lessee under a private agreement with a lessor in any non-residential district shall not obligate the board of commissioners to be responsible for or be required to resolve any disputes which may arise out of the voluntary termination of the special use permit by the property owner.
- (10) The planning department shall have the right to periodically examine the operation of the specific use to determine compliance with the requirements of any conditions. If the director determines that the requirements and conditions are being violated, a written notice shall be issued to the owner of the property outlining the nature of the violations and giving the owner of the property a maximum of ten days to come into compliance. If after ten days the violations continue to exist, the director shall forward a report to the board of commissioners through the planning commission, which may recommend that action be taken to remove the special use permit from the property.
- (11) Upon approval by the board of commissioners, a special use permit shall be identified on the official land use maps.
- (12) Upon approval by the board of commissioners of a special use permit, the owner of the property shall be issued a notice from the director, which states the specific use permitted, the requirements of this section and any conditions attached to the approval.

- (13) The building department shall not issue a certificate of occupancy for the specific use unless all requirements and conditions of the special use permit have been fulfilled by the owner of the property.

Section 1701. - Conditions considered for special use permit.

In adopting an amendment to the land use map, or approving a special use permit, the board of commissioners may impose special conditions which it deems necessary in order to make the requested action acceptable and consistent with the purposes of the district(s) involved and to further the goals and objectives of the comprehensive plan. Such conditions may consist of, but are not limited to: setback requirements from any lot line; specified or prohibited locations for buildings, parking, loading or storage areas or other land uses; driveway curb cut restrictions; restrictions as to what land uses or activities shall be permitted; maximum building heights or other dimensions; special drainage or erosion provisions; landscaping or planted area, which may include the location, type and maintenance of plant materials; fences, walls, berms, or other buffering provisions or protective measures; preservation of existing trees or other vegetation; special measures to alleviate undesirable views, light, glare, noise, dust or odor; permitted hours of operation; architectural style; a requirement that the existing building(s) be retained; a requirement that developers must build according to the site plans as adopted; a limitation on exterior modifications of existing buildings; or any other requirement that the board of commissioners may deem appropriate and necessary as a condition of reclassification of use or issuance of a variance or special use permit.

Such conditions:

- (1) Shall only be valid if they are included in the motion approving the amendment for adoption;
- (2) Shall be in effect for the period of time specified in the amendment;
- (3) Shall be required of the property owner and all subsequent owners as a condition of their use of the property;
- (4) Shall be interpreted and continuously enforced by the development director in the same manner as any other provision of this resolution; and
- (5) A building permit shall not be issued until after the presentation and approval by the planning commission and/or the board of commissioners of final site, architecture and development plans required by such conditions.

Section 1702. - Reserved.

Section 1703. - Procedures and review standards.

The procedures and review standards for applications for a special use permit shall follow those same procedures and standards set forth in article XIX of this appendix.

ARTICLE XVIII. - AMENDMENT, APPLICATION AND PROCEDURAL REQUIREMENTS

Section 1800. - Authority to amend.

The board of commissioners may from time to time amend the number, shape, boundary or area of any district, or may amend any regulation pertaining to any district; or may amend any article or section of this appendix. The procedure for amending this appendix shall be as provided in this article.

Section 1801. - Initiation of land use amendments.

A petition to amend the text of these land use protection regulations or the official land use district map may be initiated by the board of commissioners, the planning commission or any person, firm, corporation or agency that owns property involved in a petition for amendment, subject to the provisions established herein. This shall also include the legal representative of the board of commissioners, the

planning commission or any person, firm, corporation or agency that owns property involved in a petition for amendment.

#### Section 1802. - Frequency of application.

The board of commissioners or the planning commission may at any time file, in its own name, an application for amendment to the text of the zoning protection regulations or the official land use district map, except that if a zoning decision of the board of commissioners is for the rezoning of property and the amendment to the land use protection resolution and associated map to accomplish the redistricting is defeated by the board of commissioners, the same property may not again be considered for redistricting until the expiration of at least six months immediately following the defeat of the redistricting by the board of commissioners.

A property owner or subsequent property owner shall not initiate action for a map amendment, conditional use permit, variance or special use permit affecting the same or any portion of property more often than once every six months from the date of any previous decision rendered by the board of commissioners; provided, however that a property owner may petition for alteration, modification or deletion of conditions of land use protection in accordance with the provisions of this article.

A property owner or subsequent property owner shall not initiate action for a text amendment affecting the same or any portion of property more often than once every six months from the date of any previous decision rendered by the board of commissioners.

#### Section 1803. - Withdrawal of amendment application.

Any petition for an amendment to these regulations, official land use district map, conditional use approval, variance or special use permit may be withdrawn, at the discretion of the person or agency initiating such request, at any time prior to final action by the board of commissioners upon written notice to the planning director. Any required fees shall be forfeited.

#### Section 1804. - Application requirements.

Application materials specified in this section shall be required for the following petitions:

1. Amendments to the official land use district map.
2. Alterations or extensions of conditional use decision.
3. Conditional use permits,
4. Special use permits, including alterations or extensions, and
5. Applications for variances or appeals to the board of commissioners.

Application materials shall include:

1. An application form furnished by the planning department; and
2. A legal description of the property to be considered in the application. The legal description shall be by metes and bounds unless an alternative legal description which clearly describes the property in question without ambiguity and without conflicting with the description of any other property, is determined to be acceptable by the planning director. Boundary surveys of the property should be submitted with the application; and
3. A letter of intent which describes general characteristics of the proposed development, such as type and time frame of development, background information in support of such application, professional studies, as required by the planning director, and any other information deemed pertinent by the applicant.
  - (A) For variance applications, the letter shall address the criteria specified in this appendix.
  - (B) For land use district map amendment applications, the letter of intent shall address the standards specified in this appendix.

(C) For conditional use permit applications, the letter of intent shall address the standards specified in section 1807 of this appendix.

(D) For conditional use permit applications for short-term rentals, applications must include all items specified in section 703 of this appendix.

(D) For special use permits application, the letter shall address the standard specified in article XVIII of this appendix.

4. A site plan prepared by an architect, engineer or surveyor, with professional stamp, with all information specified in this appendix. Unless otherwise noted in the approval, the site plan submitted in support of an approved application shall be considered a part of the approval and must be followed.
5. A fee for said application as established by the board of commissioners.
6. Applications which require action by the board of commissioners shall also require disclosure of any conflicts of interest as specified in Chapter 67A of the Georgia Code, "Conflict of Interest in Land Use District Actions."

Applicants shall submit three copies of any required site plans or development plans and letters of intent to the planning director for distribution to the applicable bodies and/or review agencies. The planning director may require more or less copies depending on the nature and extent of required review.

Section 1805. - Site plan requirements.

All site plans required by this section, shall at a minimum, contain the following information:

1. Title or name of the proposed development.
2. Scale (minimum) 1" = 100 feet.
3. Sheet size (maximum) 24"×36".
4. North arrow and graphic engineering scale.
5. Description of water supply and sewerage system.
6. Vicinity map.
7. Total acreage.
8. Total disturbed acreage.
9. Name, address, and phone number of owner of record.
10. Name, address, and phone number of preparer of plan.
11. Date of plan drawing and revision date(s) if any.
12. Existing buildings and structures on or encroaching on the tract.
13. Proposed buildings, structures, and amenity areas on the tract.
14. Existing streets, utilities, and easements on and adjacent to the tract.
15. Proposed streets, utilities, and easements on and adjacent to the tract.
16. Environmental conditions (streams, wetlands, watersheds, ground water recharge areas, flood hazard areas, river corridor protection boundaries, mountain and hillside protection areas, etc.).
17. Right-of-way widths and pavement widths for abutting streets and existing and proposed streets.
18. Locations of drainage structures and storm water management facilities.
19. Minimum building setbacks.

20. Existing and proposed parking areas.
21. Location of nearest fire hydrant.
22. Land surveyor's stamp, certificate, and signature, including field survey and closure statement.

Section 1806. - Criteria to consider for map amendments.

The applicant, staff, planning commission and board of commissioners should review an application for land use district map amendment with regard to the following criteria:

1. The existing uses and district designation of nearby property and whether the proposed land use will adversely affect the existing use or usability of nearby property.
2. The extent to which property values are diminished by the particular zoning restrictions.
3. The extent to which the destruction of property values promotes the health, safety, morals or general welfare of the public.
4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner.
5. The physical suitability of the subject property for development as presently districted land under the proposed land use district.
6. The length of time the property has been vacant, considered in the context of land development in the area in the vicinity of the property and whether there are pre-existing or changed conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the rezoning request.
7. The zoning history of the subject property.
8. The extent to which the proposed zoning will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks or other public facilities.
9. Whether the land use proposal is in conformity with the policy and intent of the comprehensive plan or other adopted plans.

The staff, planning commission and board of commissioners, may consider other factors deemed relevant before formulating recommendations and taking action on a particular request.

Section 1807. - Conditional uses.

In adopting an amendment to the land use map, or approving a conditional use, the board of commissioners may impose special conditions which it deems necessary in order to make the requested action acceptable and consistent with the purposes of the district(s) involved and to further the goals and objectives of the comprehensive plan. Such conditions may consist of, but are not limited to: setback requirements from any lot line; specified or prohibited locations for buildings, parking, loading or storage areas or other land uses; driveway curb cut restrictions; restrictions as to what land uses or activities shall be permitted; maximum building heights or other dimensions; special drainage or erosion provisions; landscaping or planted area, which may include the location, type and maintenance of plant materials; fences, walls, berms, or other buffering provisions or protective measures; preservation of existing trees or other vegetation; special measures to alleviate undesirable views, light, glare, noise, dust or odor; permitted hours of operation; architectural style; a requirement that the existing building(s) be retained; a requirement that developers must build according to the site plans as adopted; a limitation on exterior modifications of existing buildings; or any other requirement that the board of commissioners may deem appropriate and necessary as a condition of reclassification of use or issuance of a variance or special use permit.

Such conditions:

1. Shall only be valid if they are included in the motion approving the amendment for adoption;

2. Shall be in effect for the period of time specified in the amendment;
  3. Shall be required of the property owner and all subsequent owners as a condition of their use of the property;
  4. Shall be interpreted and continuously enforced by the development director in the same manner as any other provision of this resolution; and
  5. A building permit shall not be issued until after the presentation and approval by the planning commission and/or the board of commissioners of final site, architecture and development plans required by such conditions.
1. Land use districts established herein permit certain uses which are allowable therein provided they meet specified conditions, as set forth therein and here. No such use shall be permitted until a conditional use permit has been issued authorizing such use. The procedures for granting such permits shall be the same as for amendments to the zoning ordinance or zoning map.
  2. Those conditions specified in this appendix shall be considered to be the minimum standards which must be met before the conditional use application may be considered by the planning commission for review and recommendation and the board of commissioners for decision. In deciding upon whether or not a conditional use meets the minimum standards and promotes the health, safety, morals, or general welfare of the county, the board of commissioners shall utilize the applicable standards of review set forth in this appendix.
  3. If the board of commissioners, after applying the evidence to the standards of review and conditions, have been convinced that the allowance of the conditional use will promote the health, safety, morals, or general welfare of the county, a conditional use permit may be granted, subject to those provisions that may be imposed by the board of commissioners.

Section 1808. - Criteria to consider 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 appendix:

1. Off-street parking and loading facilities are adequate in terms of location, amount and design to serve the use.
2. The number, size and type of signs proposed are compatible with the surrounding area.
3. The amount and location of open space and the provisions of screening is such that buffering of incompatible uses is achieved.
4. 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.
5. The location and intensity of outdoor lighting is such that it does not cast light on adjacent or neighboring properties.
6. Hours and manner of operation of the proposed [use] are not inconsistent with adjacent and nearby uses.
7. Public facilities and utilities are capable of adequately serving the proposed use.
8. 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.
9. The physical conditions of the site, including size, shape, topography and drainage, are suitable for the proposed development.
10. The proposed use is consistent with the goals and objectives of the comprehensive plan of White County and this appendix. The staff, planning commission and board of commissioners may consider other factors deemed relevant before formulating recommendations and taking action on a particular conditional use application.

Section 1809. - Public notice and public hearing required.

This section shall apply to all applications for amendments to (1) the text of the land use protection regulations, (2) amendments to the official zoning district map, (3) petitions for variances and appeals to the board of commissioners, (4) requests for conditional use approval, (5) requests for alteration or of conditional redistricting, (6) request for special use permit approval, and (7) request for alteration or extension of a special use permit.

Upon receipt of a completed application, fees and other information required by this article, the planning director shall cause notice of such application to be published at least one time in a newspaper of general circulation in the community at least 15 days but not more than 45 days prior to the date of the public hearing before the planning commission.

Said published notice shall include, as a minimum, the purpose, location, date and time of the public hearing, before the board of commissioners, the purpose, location, date and time of the public hearing before the planning commission, the location of the property being considered, the present land use classification of the property, and proposed action to be taken, as appropriate, such as proposed land use district, type of conditional use, variance to particular articles and sections, and so forth. The administrative office shall also cause the applicant to have posted in a conspicuous place on said property one or more sign(s), each of which shall contain the information specified for published notices. No public hearing shall take place until said sign(s) have been posted for at least 15 days, but not more than 45 days prior to the date of the public hearing.

On any application, a public hearing shall be held by the planning commission who reviews and makes their recommendation. The application along with their recommendation shall be forwarded to the board of commissioners for their review.

Public hearings may be delayed, rescheduled or continued at another time and date, provided announcement is given at the time and place of the initially scheduled and advertised public hearing, and provided such date, time and location of the public hearing to be delayed, rescheduled or continued is given. If the applicant of a petition before the planning commission or fails to attend the public hearing, then the planning commission may require re-advertisement of the subject petition at the expense of the applicant or may proceed on the application in the absence of the applicant or the applicant's legal representative.

Section 1810. - Recommendation by planning director.

The planning director may as appropriate customarily submit to the recommending and/or decision making body, prior to a scheduled public hearing, copies of the site plan, letter of intent and other additional materials along with a written recommendation for approval, disapproval, deferral, withdrawal or other recommendation. Said recommendation shall include reasons for said recommendations, considered within the context of the appropriate criteria as specified by this appendix. The recommendations of the planning director shall have an advisory effect only and shall not be binding on the board of commissioners. Copies of the planning director's recommendations shall be made available to the applicant and other interested parties upon completion and distribution to the appropriate bodies and at the public hearing.

Section 1811. - Planning commission recommendation.

The planning commission shall hold a public hearing on all applications for amendment to the text of the land use protection regulations, amendments to the official land use district map, conditional use permit applications, petitions for alteration or extension of conditional land uses requests for site plan for manufactured home parks in the Residential District and variances.

After completing its studies of the particular petition, the planning commission shall submit a recommended action in writing to the board of commissioners. The planning commission may submit any additional report it deems appropriate. The recommendations of the planning commission shall have an advisory effect only and shall not be binding on the board of commissioners. Copies of the planning

commission's recommendations and reports shall be made available to the applicant and other interested parties upon completion and distribution to the board of commissioners.

The planning commission shall have 30 days within which to submit its recommendations. The board of commissioners shall not take action on any of said applications, until it has received the recommendation of the planning commission within the specified time period. If the planning commission fails to submit a recommendation within a 30-day period, it shall be deemed to have approved the proposed application.

#### Section 1812. - Conduct of public hearings.

All public hearings regarding applications considered by planning commission shall be held in accordance with any procedures adopted by said body and, in addition, shall be governed by the following procedure:

1. The presiding officer shall open the hearing by stating the specific application being considered at the public hearing. At this time, the presiding officer may summarize the public hearing procedures.
2. The planning director will present a description of the proposed application, any applicable background material, his/her recommendation regarding action on said application as appropriate, and the recommendations and reports of the planning commission as appropriate.
3. Persons who support the application will be asked to comment first. The petitioner may, upon recognition and upon statement of name and address, present and explain his application. The petitioner, or his designated agent, shall be required to attend the public hearing unless written notice of hardship is received prior to such meeting. Failure of the petitioner or agent to attend the public hearing or meeting, except in cases of hardship, may be due cause for dismissal or denial of such application. A time limitation may be imposed at the discretion of the chairman, however, such time period shall be no less than ten minutes.
4. Persons who oppose the application will be asked to comment next. All interested parties after being recognized shall be afforded an opportunity to address the proposed application by standing before the appropriate body and identifying their name, address and interest, along with any comments on the proposed application. A time limitation may be imposed at the discretion of the chairman, however, such time period shall be no less than ten minutes.
5. The petitioner shall have an opportunity for summary remarks and rebuttal concerning the proposed application.
6. Upon completion of any comments from interested parties and the petitioner, the public hearing shall be completed and adjourned.
7. All public comments having been heard, the members of the body considering the application may discuss the request among themselves. During this discussion period, the members of the body may call on the petitioner or other interested parties to clarify points made previously or to answer questions. Said petitioner or interested parties may respond upon recognition.
8. The public hearing procedures as adopted by the board of commissioners shall be made available to all parties and the public by requesting a copy from the clerk of the board of commissioners.

#### Section 1813. - Action by the appropriate body.

The board of commissioners may take action to approve or deny the request, refer the application back to the planning director or planning commission for further study or the board of commissioners may table or defer action until a later meeting. The board of commissioners may take action to approve or deny the request, or defer action until a later meeting.

Section 1814. - Conditional approval permitted.

The planning director and planning commission may recommend, and the board of commissioners may approve, applications for map amendments and conditional use permits, subject to certain conditions, provided that said conditions are set forth in the ordinance regarding approval of such application. Said conditions of approval may reduce the number or type of permitted uses, limit the nature or scope of permitted uses, restrict certain activities on the property, restrict the number and kind of improvements which can be made on the property, stipulate specific acts which the property owner will perform or any other conditions directly related to the physical use of land and which are designed to render the proposed land use or use compatible with nearby properties. Applications for alteration or extension of conditional districting shall be made in accordance with the requirements of this article.

Section 1815. - Standards of review.

In ruling on any matter herein in which the exercise of discretion is required, or in ruling upon any application for zoning map amendment, the planning director, planning commission or board of commissioners shall act in the best interest of the health, safety, morals, and general welfare of the county. In doing so, they will consider one or more of the following factors, in addition to other factors and criteria set forth in this appendix, as they may be relevant to the application:

- (1) The existing land use pattern;
- (2) The possible creation of an isolated district unrelated to adjacent and nearby districts;
- (3) The population density pattern and possible increase or overtaxing of the load on public facilities including, but not limited to, schools, utilities, and streets;
- (4) The cost of the county and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures;
- (5) The possible impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity;
- (6) Whether the proposed zoning map amendment will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations;
- (7) Whether there are substantial reasons why the property cannot be used in accordance with existing regulations;
- (8) The aesthetic effect of existing and future use of the property as it relates to the surrounding area;
- (9) The extent to which the proposed zoning map amendment is consistent with the land use plan;
- (10) The possible effects of the proposed zoning map amendment on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community;
- (11) The relation that the proposed zoning map amendment bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of these zoning regulations;
- (12) Applications for a zoning map amendment which do not contain specific site plans carry a rebuttable presumption that such rezoning shall adversely affect the zoning scheme;
- (13) The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight;
- (14) In those instances in which property fronts on a major thoroughfare and also adjoins an established residential neighborhood, the factor of preservation of the residential area shall be considered to carry great weight.

After reviewing evidence, the board of commissioners shall apply the evidence to the standards of review in making their decision. It will not be required that the board of commissioners consider every

criteria contained in the standards of review. It shall be the duty of the applicant to carry the burden of proof that the proposed zoning map amendment promotes the public health, safety, morality or general welfare.

If the board of commissioners determine that the applicant has shown that the proposed zoning map amendment promotes the health, safety, morals and general welfare under the standards of review, then the application shall be granted, subject to those reasonable provisions as may be imposed by board of commissioners as provided in this appendix. Otherwise, such application shall be denied.

In ruling on any petition in which the petitioner has brought a challenge of the existing zoning classification, the board of commissioners may impose upon such property any appropriate zoning classification, which might be consistent with the considerations contained above.

#### Section 1816. - Reversion of conditional districting and/or conditional use approval.

If, after 24 months from the date the board of commissioners approves a map amendment or conditional use permit, action has not been taken to utilize the property, pursuant to such conditions, such as securing a development permit, the approval shall expire. The board of commissioners shall, by official action, cause the conditional use approval to expire or the land use district to revert to the district classification assigned to the property immediately prior to the approval.

The planning director shall notify all property owners in question of pending action to rescind or revoke approvals, and such notice shall be by certified mail, dated at least 15 days prior to the date of the board of commissioner's scheduled meeting and directed to the owner's address as it appears on the tax rolls of the board of commissioners.

Prior to notification by the planning director of any reversion of approval, the owner of the property in question may petition the board of commissioners for a modification or extension of land use or conditional use approval. Any such extension shall valid for 24 months from the date of approval. Only one such extension shall be permitted.

#### Section 1817. - Approval required by appropriate body.

Applications for amendments to the text of the land use protection regulations, land use district map amendments, alterations or extensions of conditional districting, conditional use permits, special use permits (including alterations or extensions) require approval by the board of commissioners before development may be initiated or before such application is made effective. Applications for variances and appeals shall require approval by the board of commissioners before development may be initiated or before such application is made effective.

#### Section 1818. - Procedure for approved land use protection resolution text amendments.

The date of all approved amendments to the text of this appendix may be indicated on the title/cover page of the text, and any sections within this resolution text hereafter amended or repealed shall be so indicated by an asterisk (\*, \*\*, \*\*\*, etc.) and concurring footnote providing the date such amendment was approved. All such text amendments shall be incorporated within the text without unreasonable delay.

#### Section 1819. - Criteria for requiring screens and buffers.

Where noise, visual effects or distracting activity is determined by the planning commission to affect adjacent property or roadway, a vegetative screen, cement or masonry wall, or earth berm may be required by the planning commission to reduce the undesirable effects. In deciding if such screens and buffers are necessary the planning commission shall consider the following criteria and factors:

1. The nature of the adjoining use;
2. The size of the property being considered for screens and buffers;
3. The existence of any light, noise, odor or other impact caused by the property being considered for screens and buffers;

4. Screens and buffers can be required as a permit condition for a conditional use permit or variance application; and
5. Any factors herein for consideration of conditional use permits.

Section 1820. - Reserved.

Section 1821. - Conflict with Georgia's zoning procedures law.

In the event that any provisions of this article conflict with the minimum requirements of O.C.G.A. § 36-66-1 et seq., as subsequently amended, known as the "Zoning Procedures Law," the provisions of O.C.G.A. § 36-66-1 et seq., as subsequently amended, known as the "Zoning Procedures Law" shall control.

#### ARTICLE XIX. - POWERS OF COUNTY OFFICIALS

Section 1900. - Purpose.

This article formalizes the duties of the planning director, the planning commission and the county commission, in relation to the provisions of this chapter.

Section 1901. - Powers of the planning director.

The planning director has the authority and responsibility to provide the following services:

- (1) Provide information concerning the requirements of this chapter and require compliance with these requirements.
- (2) Issue permits under the conditions and procedures required by this chapter.
- (3) Dispense and receive applications as required by this chapter.
- (4) Determine the applicable district, uses, and standards for a particular parcel of land.
- (5) Provide assistance and guidance to applicants concerning compliance with this chapter.
- (6) Collect, receive, disburse, and account for fees and monies as required under the provisions of this chapter.
- (7) Serve at the pleasure of the planning commission when requested.
- (8) Act as liaison for the planning commission with other officials.
- (9) Maintain official records and perform administrative duties required in the execution of the provisions of this chapter.
- (10) The planning director is charged with interpretation of the land use resolution and subdivision ordinance.

Section 1902. - Powers of the planning commission.

The planning commission has the authority and the responsibility to provide the following services:

- (1) Review, investigate, and recommend action to the county commission concerning applicants under the provisions of this chapter.
- (2) Review, investigate, and render decisions concerning variances; and, as well as, from time to time, recommend action to the county commission concerning variances and amendments to this chapter.
- (3) Advise and inform the county commission on development within White County.
- (4) Conduct public hearings as required under the provisions of this chapter.

- (5) Propose amendments to this chapter.
- (6) Prepare and maintain a land use district map and a future land use district map, under the provisions of this chapter.
- (7) Provide general information concerning the application and administration of this chapter.
- (8) Provide review and recommendations concerning appeals of actions of its decisions to the county commission.

Section 1903. - Powers of the county commission.

The county commission has the authority and responsibility to provide the following services:

- (1) Render official decisions concerning the recommendations of the planning commission, in relation to actions within the scope of this chapter.
- (2) Hear and decide appeals of actions of the planning director or the planning commission.
- (3) Establish fees upon recommendation of the planning commission for actions, permits, or services under this chapter.
- (4) Provide for enforcement of the provisions of this chapter.

Section 1904. - Reserved.

ARTICLE XX. - VARIANCES

Section 2000. - Purpose.

The purpose of a variance is to provide relief when a strict application of the district requirements would impose unusual practical difficulties or unnecessary physical hardships on the applicant. Practical difficulties and unnecessary hardships may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other conditions on the site or in the immediate vicinity. No variance shall be granted to allow the use of property for a purpose not authorized within the district in which the proposed use would be located. A variance cannot be self-created. A variance should be granted only after evidence is presented and accepted that enforcement of all of the required standards on the property in question would render the property useless. This article establishes conditions; criteria for granting variances; public hearings on proposed variances; variances to road requirements; variance procedures; compliance with conditions of approval; vested interest in approved variances; investigations and reports; revocation; limitations on re-applications; and use variance.

Section 2001. - Conditions.

- (a) Reasonable conditions may be imposed in connection with a variance as deemed necessary to protect the best interests of the surrounding property or neighborhood, and otherwise secure the purpose and requirements of this article. Guarantees and evidence may be required that such conditions will be and are being complied with. Such conditions may consist of, but are not limited to: setback requirements from any lot line; specified or prohibited locations for buildings, parking, loading or storage areas or other land uses; driveway curb cut restrictions; restrictions as to what land uses or activities shall be permitted; maximum building heights or other dimensions; special drainage or erosion provisions; landscaping or planted area, which may include the location, type and maintenance of plant materials; fences, walls, berms, or other buffering provisions or protective measures; preservation of existing trees or other vegetation; special measures to alleviate undesirable views, light, glare, noise, dust or odor; permitted hours of operation; architectural style; a requirement that the existing building(s) be retained; a requirement that developers must build according to the site plans as adopted; a limitation on exterior modifications of existing buildings; or any other requirement that the board of commissioners may deem appropriate and necessary as a condition of reclassification of use or issuance of a variance or special use permit.

- (b) The planning commission is responsible for considering and making recommendations on applications for variances. Variances apply only to the land use standards and requirements specified for each district. They do not apply to other provisions of this chapter.
- (c) The variance must specify which development standards and requirements are to be varied from. It must specify alternative standards and requirements to be met, replacing those varied from.

Section 2002. - Criteria for granting variances.

Variances to standards and requirements of this chapter, with respect to open area, setbacks, yard area, lot coverage, height of structures, vision clearance, and other quantitative requirements may be granted only if, on the basis of the application, investigation, and evidence submitted by the applicant, all four expressly written findings below are made:

- (1) That a strict or literal interpretation and enforcement of the specified standard or requirement would result in practical difficulty or unnecessary hardship; and
- (2) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the same district; and
- (3) That the granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity; and
- (4) That the granting of the variance would support general objectives contained within this chapter.

Variances in accordance with this article should not ordinarily be granted if the special circumstances on which the applicant relies are a result of the actions of the applicant or owner or previous owners.

Section 2003. - Public hearing on proposed variances.

Public hearings on proposed variances shall be in accordance with administrative procedures set forth in this resolution.

Section 2004. - Variance procedures.

- (a) Before the planning commission may act on a variance; it shall give notice of a public hearing in the manner prescribed in this resolution.
- (b) The planning commission shall review the application and investigation report at the public hearing. The planning commission shall determine whether the evidence supports a finding that the required criteria have been met and recommend approval with condition, or denial of the application accordingly. Their recommendations shall be in writing and shall include written findings on each of the applicable criteria. If the planning commission fails to take action within 30 days after the public hearing, the request shall be deemed to have been approved.
- (c) Decision on variance requests shall be the responsibility of the planning commission and shall become final after an elapsed period of 30 days from the date of decision.
- (d) The planning commission's decision, with findings, shall be sent by mail to the applicant within five working days of the date of action.
- (e) From time to time the planning commission may find it necessary to require a variance request to also meet approval of the White County Board of Commissioners. In doing so the variance request must follow the public hearing procedures prescribed in this ordinance.
- (f) An application of a variance which is not acted upon by the county commissioner within 90 days from the receipt of application may be deemed denied.
- (g) Application for a variance shall be filed with the planning director on the form prescribed by the county, by any person with a legal interest in the property.

Section 2005. - Compliance with conditions of approval.

Compliance with conditions imposed in the variance, and adherence to the submitted plans, as approved, is required. Any departure from these conditions of approval and approved plans constitutes a violation of this chapter.

Section 2006. - Vested interest in approved variances.

A valid variance supersedes conflicting provisions of subsequent land uses or amendments to this resolution unless specifically provided otherwise by the provisions of this resolution or the conditions of approval to the variance.

Section 2007. - Investigations and reports.

The planning director shall make or cause to be made an investigation to provide necessary information to insure that the action on each application is consistent with the variance criteria and shall make a recommendation to the planning commission. Any report of such investigation shall be included in the application file.

Section 2008. - Revocation.

Variances shall be automatically revoked if not exercised within one year of the date of approval.

Section 2009. - Limitations on re-applications.

Applications for which a substantially similar application has been denied shall be heard by the planning commission only after a period of 12 months has elapsed.

Section 2010. - Use variance.

No variance may be granted for a use of land or building or structure that is prohibited by this chapter.

Section 2011. - Withdrawal of application.

Withdrawals of any application may be accommodated within the planning department if requested before the planning commission agenda is set. Therefore, withdrawals may not be made after three business days prior to the scheduled planning commission meeting hearing, unless accompanied by written request stating specific reasons for withdrawal. Following that written request, the commission will vote to remove the item from the agenda at the scheduled hearing. Please note that should the withdrawal be denied, the item will receive deliberation and public hearing with a decision by the commission. Further, the applicant is encouraged to be present at the hearing to substantiate reasons for withdrawal. Please note that no refund of application fee may be made unless directed by the board of commissioners.

Section 2012. - Administrative variances.

The director of community and economic development shall have the power to grant variances (except for density and use) from the development standards of this chapter if the intent of the appendix can be achieved and equal performance obtained by granting a variance.

- (1) *Authority.* The authority to grant variances in accord with this section shall be limited to variances from the following requirements:
  - a. Front yard or a yard adjacent to a public street: Variances shall not exceed ten feet;
  - b. Side yard: Variances shall not exceed five feet;
  - c. Rear yard: Variances shall not exceed ten feet;

- d. Building height: A variance may be granted up to, but not exceeding, ten feet if such variance does not allow space habitable by humans and is also approved by the fire marshal and would not result in an increase in the number of stories that would otherwise be allowed by the land use district;
  - e. Buffers: The dimensions of a landscaping buffer required by this chapter if the intent of the required buffer can be equally achieved; however, no buffer required as a condition of land use shall be modified;
  - f. Parking: If the required parking standards cannot reasonably be met and if a variance will not adversely affect the spirit or intent of the appendix or this chapter, then a variance of not more than ten percent may be granted;
  - g. Home occupations: If the intended use is clearly allowed pursuant to the definition of "Home occupation," then an administrative variance may be granted to conduct such business.
- (2) *Notification.* The applicant may choose to either submit an affidavit attesting to notice that includes signatures of all adjoining property owners listed within the application package or the applicant may choose to permit written notice from the county planning department to adjoining property owners of the variance application and then wait at least ten business days from notice to all adjoining property owners before the variance may be considered for approval. Also, notice of the variance application shall be posted upon the property 15 days before the variance is considered and shall state the variance requested and the date the variance shall be considered.
- (3) *Basis for approval.* The following criteria shall be considered by the director before allowing an administrative variance. No variance may be granted administratively for an application for a variance that has been heard by the planning commission within one year or if the application is for the expansion of a non-conforming use or structure.
- a. The variance neither interferes with the rights of others as provided in this chapter nor is injurious to the public health, safety, general welfare;
  - b. A strict interpretation and enforcement of the standards or requirement would result in practical difficulty or unnecessary hardship;
  - c. No exceptional or extraordinary circumstances applicable to the subject property exist that do not generally apply to other properties in the same district;
  - d. The variance provides for reasonable use under the specified circumstances of each application;
  - e. The variance achieves the general intent of this chapter;
  - f. The variance is the minimum possible variance under the specific circumstances; and
  - g. The variance does not exceed the scope of the authority set forth in subsection (1) of this section.
- (4) *Conditions of approval.* The director of community and economic development may impose reasonable conditions upon any administrative variance to ensure that the public health, safety, and general welfare are protected. A violation of any imposed condition shall be a violation of this section.
- (5) *Administration.* After all requirements for a variance application in accord with the terms hereof are received, the planning and development department shall review and certify that all required information is complete and that the request is within the limits of consideration set forth in subsection (1) of this section. The applicant shall then be advised to proceed with public notice in accord with subsection (2) of this section. After required notice has been provided and the time period for response has passed, the planning director shall have ten business days to render a decision. Notice of the decision shall be provided to the applicant by mailing such decision within five business days of the decision. Notice of the action taken by the director shall

be provided to the planning commission of White County and shall be placed as an item of old business for no further action upon the agenda of the planning commission within 31 days.

- (6) *Compliance with other county codes.* The effect of an administrative variance approval shall be that a specific request is determined to be appropriate for a specific location. The administrative variance application shall not approve a site plan nor waive or modify any other requirements of any other county code other than as specifically granted pursuant to the variance.
- (7) *Appeal.* The applicant or an adjoining property owner may appeal to the county commission the decision of the director regarding an administrative variance within ten days of the decision via written objection and appeal. Any such appeal shall be heard by the White County Board of Commissioners in accord with the standard appeal procedure.

## ARTICLE XXI. - ADMINISTRATIVE AND ENFORCEMENT PROCEDURES

### Section 2100. - Purpose.

The purpose of this article is to provide for administration and enforcement procedures of this chapter, including administration; public hearings, forms of petitions, applications and appeals; interpretation; severability; effective date; and remedies and penalties for violation.

### Section 2101. - Administration.

The planning commission or its delegate, the planning director, shall have the power and duty enforce the provisions of this chapter. All departments, officials, and public employees of White County, vested with the duty and authority to issue permits, shall conform to the provisions of this resolution and shall issue no permit, certification, or license for any use, building, or purpose which violates or fails to comply with conditions or standards imposed by this chapter. Any permit, certificate, or license issued in conflict with the provisions of this chapter, intentionally or otherwise, shall be void. No application which is incomplete shall be processed or received by the planning commission or its delegate, the planning director.

### Section 2102. - Form of petitions, applications, and appeals.

All petitions, applications, and appeals provided for in this chapter shall be made on forms prescribed by the planning commission and issued by the planning director. The standard application form shall be used for all district and chapter changes, variances, conditional uses, appeals, and other planning actions.

### Section 2103. - Interpretations.

If the provisions of this chapter conflict with or are less restrictive than comparable conditions imposed by any other provision of Georgia statutes or any other White County resolution or ordinance, then the most restrictive provision shall apply.

### Section 2104. - Severability.

If any section, subsection, sentence, phrase, or any portion of this chapter be declared invalid or unconstitutional by any court of competent jurisdiction, or if the provisions of any part of this chapter as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this chapter not so held to be invalid, or the application of this chapter to other circumstances not so held to be invalid. It is hereby declared to be the intent of the county commissioner to provide for separable and divisible parts, and he does hereby adopt any and all parts hereof as may not be held invalid for any reason.

### Section 2105. - Remedies and penalties for violation.

- (a) In the event that any person, firm, or corporation violates any provision of this chapter, the county may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful act or to correct or abate such violation.
- (b) In addition to any other enforcement provision provided herein, any person who shall violate the terms of the land use resolution of White County, Georgia may be punished by a maximum fine of \$1,000.00 or a maximum of 60 days imprisonment or both. The Magistrate Court of White County shall have jurisdiction and power over the trial of charges of violations of these ordinances.
  - (1) The magistrate court may not conduct jury trials. However, any defendant who is charged with violating these ordinances may, any time before trial, demand that the case be removed for a jury trial to the Superior Court of White County. Such demand shall be written. Upon such demand, the magistrate court shall grant the demand. The failure by an accused to so demand removal of the case shall constitute a waiver of any right to trial by jury that the accused may otherwise have.
  - (2) The prosecution for violations of county ordinances shall be upon citation as White County Board of Commissioners may designate. Such attorney shall be the prosecuting attorney in cases tried upon accusation.
  - (3) Accusations of violations of these ordinances and citations shall be personally served upon the person accused. Each accusation shall state the time and place at which the accused is to appear for trial. The accused shall not be arrested prior to the time of trial; however, any defendant or accused who fails to appear for trial shall thereafter be arrested on the warrant of the magistrate and shall be required to post a bond for his/her future appearance.
  - (4) The White County Board of Commissioners may provide that ordinance violations may be tried upon citations with or without a prosecuting attorney, as well as upon accusations.
  - (5) Each citation shall state the time and place at which the accused is to appear for trial, shall identify the offense with which the accused is charged, shall have an identifying number by which the citation shall be filed with the court, shall indicate the identity of the accused and the date of service, and shall be signed by the county agent who completes and serves the citation.
  - (6) Prosecutions for violations of these ordinances and regulations upon citations shall be commenced by the completion, signing and service of a citation by any agent of the county who is authorized by the White County Board of Commissioners to issue citations or by an agent of the state who is authorized to issue citations. The original of the citation shall be personally served upon the accused, and a copy shall be promptly filed with the court.
  - (7) The Chief Magistrate of White County may by written order establish a schedule of cash bonds for the personal appearance in court of any person charged with a violation of these ordinances.
  - (8) Execution may issue immediately upon any fine imposed by the court and not immediately paid. The Sheriff of White County shall receive and house all persons sentenced to confinement for contempt or sentenced to confinement for violation of these ordinances.
  - (9) The review of convictions shall be by certiorari to the Superior Court of White County.
  - (10) The county attorney or another attorney designated by the White County Board of Commissioners may act as prosecution attorney for violations of county ordinances.
- (c) Should any work be performed for which a building, grading or development permit is required prior to the issuance of a permit by White County the fees for such permit shall be doubled or the charge for such permit shall be a minimum of \$100.00 whichever is greater.

Section 2106. - Effective date.

This revised ordinance shall take effect on June 4, 2019.

## ARTICLE XXII. - DEFINITION OF TERMS

When used in this regulation, the following words and phrases shall have meaning given in this article. Terms not herein defined shall have their customary dictionary definitions where not inconsistent with the context.

*Abandonment:* The relinquishment of property, or a cessation of the use of the property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of property.

*Accessory building or use:* A building or use which is subordinate to and serves a principal building or principal use; is subordinate in area, extent, or purpose to the principal building or use served; contributes to the comfort, convenience or necessity of occupants of the principal building or principal use; and is located on the same lot as the principal building or principal use.

*Adult dog:* A dog at least one year of age.

*Agriculture:* The use of land for agricultural purposes, including the raising of crops and livestock, dairying, pasturage, horticulture, floriculture, viticulture, animal and poultry husbandry, forestry and other similar enterprises or uses.

*Agri-tourism:* An agricultural related facility or use that attracts and serves people visiting the area for recreation, vacation, special events, education or conferencing.

*Airport:* Any area of land, water or mechanical structure which is used for the landing and take-off of aircraft, including any appurtenant structures and areas which are used or intended to be used for airport buildings, other airport facilities, rights-of-way or easements.

*Alteration:* Any change in the structural components of a building, any modification or change in construction, any addition that changes the area or height, any change in use of or movement of a building from one location to another, or any change in the amount or volume of space used for any activity.

*Ambient noise:* The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources, near and far.

*Amenity:* A natural or created feature that enhances the aesthetic quality, visual appeal, or makes more attractive or satisfying a particular property, place or area.

*Attraction:* A tourism related venue or use that serves as a destination for tourism.

*Barn:* A farm building used to store farm products or shelter livestock.

*Bed and breakfast inn:* A building wherein lodging or lodging and breakfast are provided to guests for compensation and where the operator of the bed and breakfast lives on the premises. Operator must have a current occupational tax license and hotel/motel tax certificate.

*Bedroom.* A room that is intended primarily for sleeping as reflected on the building permit, tax assessor's records or site inspection.

*Boardinghouse:* A building where, for compensation, both lodging and meals are provided for persons, provided that a single-family dwelling shall not be deemed to be a boardinghouse by reason of a contribution to or expense sharing arrangement with the owner or tenant occupying the dwelling by a person related by blood or marriage.

*Buffer, opaque fence:* An opaque fence shall be a wall or fence, solid in appearance of either wood, stone, brick, vinyl or stucco. Neither a chain-link fence nor a chain-link fence with metal slats, qualifies as an opaque fence. The fence or wall must have a minimum height of six feet. The owner shall be responsible for all maintenance of the fence or wall.

*Buffer, opaque vegetative:* An evergreen buffer of shrubbery, such as Holly or Leyland Cypress that when mature, has a minimum height of six feet. When planted, the distance between the shrubs shall be

sufficient to create a solid opaque barrier when mature. Plants must reach a height of six feet within two years of planting. The owner shall be responsible for all maintenance of the vegetative buffer, to include replacement of plants if necessary, and to ensure continual compliance with height requirements.

*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, property, or waste of any kind, or similar structures used for purposes of a building as defined herein.

*Building official:* The primary employee or his/her designee who is designated by the board of commissioners to administer and enforce its building code and related regulations.

*Building, principal:* A building or structure in which is conducted the primary use of the property on which the building or structure is located.

*Building setback line:* A line establishing a minimum allowable distance between the wall of a building, including any covered porches, and the street right-of-way or property line when measured perpendicularly thereto. In the case of corner lots or double frontage lots, front yard requirements shall be observed for those areas adjacent to street rights-of-way.

*Bulk:* A term used to describe the size and shape of a building or structure and its relationship to other buildings, to the lot area for a building and to open spaces and yards.

*Campground:* A parcel of land used or intended to be used, let or rented for occupancy by campers or for occupancy by tents or movable or temporary dwellings, rooms or sleeping quarters.

*Cemeteries:* Cemeteries are burial grounds, generally where multiple burial plots are sold or provided for burial of persons beyond the immediate family. All cemeteries must be located on a lot of at least five acres.

*Cemetery—Family plots:* Family plots are burial grounds restricted to members of the family owning the lot on which the cemetery is located. Family plots shall be located only on lots of two acres or greater. For the purposes of this section, "family" shall be defined as family within the fourth degree of civil reckoning from the property owner.

*Certificate of occupancy:* A legal statement or document issued by the building official indicating that the building and use or reuse of a particular building or land is in conformity with all applicable codes and regulations, and that such building or land may be occupied for the purpose stated therein.

*Child caring institution:* A child welfare agency that is any institution, society, agency, or facility, whether incorporated or not, which either primarily or incidentally provides full-time care for children through 18 years of age outside of their own homes. This full-time care is referred to as room, board and watchful oversight. For these purposes a child caring institution means any institution, society, agency or facility that provides care to six or more children and licensed by the State of Georgia.

*Club:* A building or facility owned or operated for social, educational, or recreational purposes, but not for profit or other purposes that is customarily undertaken for monetary gain.

*Commercial kennel:* An enclosed structure with sound proof walls used for the raising, housing, breeding, boarding or training of more than four adult dogs primarily for the purpose of generating income or revenue; or an enclosed structure with sound proof walls used for the raising, housing, breeding, boarding or training of more than 12 adult dogs, and not primarily used for the purpose of generating income or revenue.

*Compatibility:* The characteristics of different uses or activities that permit such uses or activities to be located near each other or otherwise co-exist in harmony and without conflict. Some elements affecting compatibility include but are not limited to: intensity of occupancy as measured by dwelling units per acre or gross square footage per acre; pedestrian or vehicular traffic generated; volume of goods handled, such environmental effects as noise, vibration, odor, glare, air pollution, water pollution or radiation; and the effects of uses on the value of other property.

*Compensation.* Remuneration or anything of economic value that is provided, promised or donated primarily in exchange for services rendered. This includes, but is not limited to, voluntary donations, and fee-sharing.

*Comprehensive plan:* Those coordinated plans or portions thereof which have been or may hereafter be prepared by or for the governing body for the physical development of the jurisdiction; or any plans that designate plans or programs to encourage the most appropriate use of the land in the interest of public health, safety and welfare.

*Conditional land use:* The granting or adoption of land use for property subject to compliance with restrictions as to use, size, density or actions stipulated by the governing body to mitigate adverse impacts that are anticipated without imposition of such conditions.

*Conditional use:* A use that would be appropriate only with specified restrictions throughout a land use district and that is not automatically permitted by right within a land use district, but that may be permitted within a land use district subject to meeting specific conditions contained in these regulations or otherwise required by the governing body. Such uses shall be permitted only if approved in advance by the governing body in accordance with the regulations established herein as evidenced by the issuance of a conditional use permit.

*Conditional use permit:* The permit issued as a precondition to allowing any conditional use in a land use district.

*Condominium (residential building):* A building or complex of multiple-dwelling units in which each unit is owned individually by separate owners with the common areas jointly owned by the owners of the units.

*Contractor's establishment:* A building, structure or use involved in construction activities, including but not limited to, plumbing, electrical work, building, paving, carpentry and other such activities, including the storage of materials and the overnight parking of vehicles related to such establishments.

*Convenience store:* A retail store, which sells convenience items. A convenience store may include the sale of gasoline, propane, kerosene and diesel fuel.

*Conversion:* Any change in the original use or purpose of a building or lot to a different use.

*County.* Unincorporated White County.

*Day care center:* A child care facility, pre-kindergarten, play or other special school for young children (other than at public or private elementary schools) providing, for compensation, care and maintenance to seven or more children under age 17 for a period of 12 hours or less, typically during normal daytime hours. A day care center of six children or less is considered to be a home occupation.

*Density:* The number of dwelling units developed, or to be developed, per gross acre of land, or the gross square footage of a building, other structure or use per acre of land.

*Development:* Any manmade change of improved or unimproved real estate including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

*District, land use:* A geographical area or areas, designated with the use of symbols on the official land use map, wherein uses of land are restricted in type, size, height and other limitations as established in these regulations.

*Dormitory:* A building that is owned and/or operated by an educational institution, the primary purpose of which is to provide living accommodations for individuals associated with the institution, but which does not include individual kitchen facilities.

*Dwelling:* A building designed, arranged or used for permanent living, and/or sleeping quarters for persons.

*Dwelling, multifamily:* A structure under single ownership designed for or occupied by three or more dwelling units. Multi-family dwellings do not include motels, hotels, lodging houses, hospitals, nursing homes, or public institutions such as prisons and mental institutions.

*Dwelling, single-family:* A completely free-standing residential building, occupying its own structure from ground to roof, designed for or occupied exclusively by one family and meeting or exceeding the local building code for on-site construction, and separated from other single-family detached dwellings by yards. For regulatory purposes, a single-family dwelling is not to be construed to include manufactured homes or mobile homes or portable housing for recreational or other temporary use or a single-family attached dwelling.

*Dwelling, two-family (duplex):* A dwelling designed or arranged to be occupied by two single housekeeping units living independently of each other.

*Dwelling unit:* A building, or portion thereof, designed, arranged or used for living quarters for one or more persons living as a single housekeeping unit using the same cooking facilities, but not including units in hotels or other structures designed for transient residence.

*Family:* An individual, or two or more persons related by blood, marriage, adoption or guardianship, or a group of not more than four unrelated persons, occupying a single dwelling unit and using the same cooking facilities. For purposes of this ordinance, family may include foster children placed in a family foster home licensed by the State of Georgia, but shall not include fraternities, sororities, rooming houses or boarding houses, nursing home or rest homes.

*Farm:* An area of land principally devoted to agriculture.

*Farm supply store:* An establishment engaged in the retail sale of animal feeds, fertilizers, agricultural chemicals, pesticides, seeds and other such farm supplies.

*Flea market:* The use of land, structures or buildings for the sale of goods which are principally used or second-hand goods.

*Garage:* An accessory building or portion of a principal building used only for the private storage of motor vehicles and other personal property as an accessory use.

*Governing body:* The Board of Commissioners of White County, duly elected by the citizens within the jurisdiction.

*Grade:* The average elevation of the ground on all sides of a building.

*Guest:* Any person or persons who utilize lodging on a temporary basis to include the renting of hotels, motels, bed and breakfast inns, lodges, tourist camps, tourist cabins, campground and any other place in which rooms, lodgings or accommodations, including short-term rentals, are available.

*Guest house:* A lodging unit for temporary guests in an accessory building. No such lodging unit shall contain independent cooking or kitchen facilities and shall not be rented or otherwise used as a separate dwelling.

*Height, building:* The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the declines of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof.

*Heritage tourism:* A historic related facility or use that attracts and serves people visiting the area for recreation, vacation, special events, education or conferencing.

*Home occupation:* Any use, occupation or activity conducted on the same lot as a dwelling by the residents thereof, which is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof, and in connection with which there is no display, no stock-in-trade nor commodity sold or stored on the premises; and where only those persons residing on

the premises and not more than one outside employee are employed specifically in connection with the home occupation.

*Hotel/Motel:* Every building or structure kept, used, maintained, advertised and held out to the public to be a place where there are sleeping accommodations for more than 16 persons (Life Safety Code 6.1.8.1.3) and operators have a current occupational tax license and hotel/motel tax certificate.

*Hotel/Motel Tax:* An excise tax levied at the rate of eight percent paid for the occupancy of any room, lodging or accommodation furnished by any person or legal entity within the unincorporated portions of the county. The tax applies to hotels, motels, bed and breakfast inns, lodges, tourist camps, tourist cabins, campground and any other place in which rooms, lodgings or accommodations, including short-term rentals, are available.

*Household Appliance:* Any large enameled appliance such as refrigerators, stoves, washers, dryers, water heaters, and dishwashers that are commonly found in most houses.

*Inoperable vehicle:* Any motorized vehicle, other than those vehicles temporarily disabled, incapable of immediately being driven. Any motorized vehicle designed for use on a public road without a current vehicle registration tag shall be considered an inoperable vehicle.

*Junk/salvage yard:* Any property involving the abandonment, parking, storage or disassembly of junked or inoperable vehicles or junked machinery, or the abandonment, storage, sale, or resale of used auto parts, tires, scrap iron, metal, used plumbing fixtures, old stoves, refrigerators and other old household appliances, used brick, wood, or other building/structural materials, used paper, rags or other scrap materials.

*Kennel:* A structure or enclosure used for the raising, housing, breeding, boarding or training of more than four adult dogs, but not more than 12 adult dogs, and not primarily used for the purpose of generating income or revenue.

*Lagoon, animal waste:* A shallow body of liquid waste material.

*Land use:* A police power measure in which the county is divided into districts or zones within which permitted uses, and in some cases conditional uses, are established as well as regulations governing lot size, bulk, height and other development requirements.

*Land use administrative officer:* The field representative of the White County Planning Commission or any other representative designated by the governing body.

*Landfill, construction and demolition waste:* A landfill accepting only waste building materials and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings and other structures. Such wastes include, but are not limited to wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material, and other non-putrescible wastes which have a low potential for groundwater contamination.

*Landfill, inert waste:* A landfill accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves. This definition excludes industrial and demolition waste not specifically listed above.

*Landfill, solid waste:* A landfill accepting any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities, but does not include recovered materials or hazardous waste; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C.

Section 1342; or source, special nuclear, or by-product material as defined by the Federal Atomic Energy Act of 1954, as amended (68 Stat. 923).

*Livestock:* All animals of the equine, bovine, or swine class, including but not limited to goats, sheep, mules, horses, hogs, cattle, and other grazing animals, and all ratites, including, but not limited to, ostriches, emus, and rheas, and non-traditional livestock including, but not limited to, bison, deer, buffalo, llamas, and alpacas.

*Lodging house:* A building or portion thereof, that does not qualify as a one- or two-family dwelling such as a fraternity house, sorority house, dormitory, or other such building designed and occupied, with or without separate kitchen or housekeeping facilities for each unit. Typically, sleeping accommodations are for less than 16 people (Life Safety Code 6.1.8.1.2)

*Lot:* A parcel of land occupied or capable of being occupied for a use, by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same, and having frontage on a street; or a developed or undeveloped tract of land in one ownership legally transferable as a single unit of land.

*Lot area:* The total horizontal area within the lot lines of a lot, exclusive of public street right-of-way.

*Lot, corner:* A lot abutting upon two or more public streets at their intersection.

*Lot, double frontage:* Any lot, other than a corner lot, which has frontage on two public streets that do not intersect at a point abutting the property.

*Lot frontage:* The width in linear feet of a lot where it abuts the right-of-way of any public street.

*Lot of record:* A lot which is part of a subdivision, a plat of which has been recorded in the records of the county superior court clerk; or a parcel of land, the deed, plat or other designation (as a separate lot of record) of which has been recorded in the same office.

*Lot width:* The horizontal distance between side lot lines measured at the minimum required front yard (regulatory front building setback) line.

*Manufactured home:* A detached, single-family dwelling unit designed for long-term occupancy and constructed in one or more units made to be transported after fabrication on wheels and when connected to required utilities to include plumbing and electrical systems. Such a dwelling shall be constructed in accordance with the Federal Manufactured Home Construction and Safety Standards, which came into effect on June 15, 1976, as amended, and shall bear the insignia issued by the U.S. Department of Housing and Urban Development (HUD). Removal of the wheels and placement on a foundation does not change its classification. Travel trailers and recreational vehicles are not manufactured/mobile homes.

*Manufacturing, processing and assembling:* The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories or mills and characteristically use power driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastic resins or liquors.

*Mini-warehouse:* A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized stalls or lockers used for storage, including accessory office and/or night watchman's residence, but not including retail sale on the premises, commercial repair or other services, manufacturing or any other commercial use.

*Mobile home:* A residential structure transportable on wheels after fabrication in one or more sections, which is built on a permanent chassis and designed to be used as a permanent dwelling when connected to the required utilities and constructed prior to June 15, 1976. (See the definition of "manufactured home" for all factory-fabricated structures built to the Federal Manufactured Home Construction and Safety Standards (HUD Code) since June 15, 1976.)

*Mobile home/manufactured home park:* A parcel of land or any portion thereof under single ownership which has been designed, planned, or improved for the placement of more than four mobile

homes/manufactured homes for residential use, including land, buildings, and facilities used by the occupants of such homes on the property.

*Mobile/manufactured home space:* A parcel of land within a mobile/manufactured home park which is reserved or leased for the placement of an individual mobile/manufactured home, accessory structures and the exclusive use of its occupants.

*Modular home:* A dwelling unit composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation in accordance with applicable codes.

*Non-conforming lot:* A lot, the area, width, or other characteristic of which fails to comply with applicable regulations and which was of record and in full compliance with all applicable federal, state and local laws, rules and regulations prior to the enactment of these or other regulations applicable thereto, but which does not comply with the requirements of these regulations.

*Non-conforming structure:* Any building or structure which does not conform to applicable regulations hereunder governing the type, bulk, location, height or size of buildings or structures permitted in the district, which building or structure was lawfully in existence and in full compliance with all applicable federal, state and local laws, rules and regulations, and for which all required federal, state and local permits had been issued, prior to the adoption of these or other regulations applicable thereto, but which does not comply with the requirements of these regulations.

*Non-conforming use:* Any use of any land, building or other structure which was existing and in full compliance with all applicable federal, state and local laws, rules and regulations, and for which all required federal, state and local permits had been issued, prior to the adoption of these or other regulations applicable thereto, but which does not comply with the requirements of these regulations.

*Nuisance:* Anything that substantially interferes with the use or enjoyment of property, creates a risk of endangering the public health or safety, or is offensive to the senses.

*Office:* A building or portion thereof wherein services are performed involving predominantly administrative, professional or clerical operations and not involving retail sales or other sales of any kind on the premises.

*Official land use map:* The "Official Land Use Map of Unincorporated White County" described in these regulations.

*Open air business:* Any commercial establishment that displays products in non-enclosed area.

*Open space:* An area that is permanently set aside through dedication, designation, or reservation and is available to all occupants of a development and that is not used for or occupied by a public right-of-way, driveway, an off-street parking area, a loading space, a refuse storage space, or a building.

*Outdoor storage:* The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or commercial vehicles in the same place for more than 24 hours.

*Outdoor storage yards:* The keeping within an unroofed and unenclosed area of any goods, material, merchandise or vehicles, not for sale at retail, in the same area for more than 24 consecutive hours. This term also includes an unroofed or unenclosed area used for the performance of work or other such activities necessary in the operation of a business.

*Owner. (Innkeeper)* Any person who, alone or with others, has title or interest in any residential structure, building, property, or portion thereof, with or without accompanying actual possession thereof, including any person who, as tenant, agent, executor, administrator, trustee, or guardian of an estate, has charge, care, or control of any short-term rental use.

*Parking space:* An area having dimensions of not less than nine feet by 20 feet and 300 square feet including maneuvering space within a parking lot, to be used exclusively as a temporary storage space for a motor vehicle.

*Permitted use:* A use by right which is specifically authorized in a particular land use district.

*Person:* An individual, firm, partnership, corporation, company, association or institution, including any trustee, assigns or other representative.

*Planning commission:* The White County Planning Commission.

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

*Policies and procedures ordinance:* The "Land Use Public Hearing Policies and Procedures Ordinance of White County" as amended from time to time.

*Principal building:* A building in which is conducted a principal use.

*Property owner:* The person or persons who own property being considered under these regulations.

*Public use:* Any building, structure or use owned and/or operated by the federal government, State of Georgia, White County or other county, or any municipality, or any authority, agency, board or commission of the above governments, which is necessary to serve a public purpose, such as but not limited to the following: government administrative buildings, police and fire stations, public health facilities and hospitals, public works camps, parks and community centers, public roads and streets, airports, water and sanitary sewerage storage, intake, collection and treatment and pumping facilities, public housing facilities, jails and correctional centers.

*Recreational vehicle:* A vehicular-type portable structure which can be towed, hauled or driven and is primarily designed as temporary living accommodations for recreational, camping and travel uses.

*Recreational vehicle (RV) park (travel trailer park):* Any lot of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy on a temporary basis by recreational vehicles of the general public as temporary living quarters by campers, vacationers or travelers.

*Responsible party.* An individual(s) with the legal authority to make and act on decisions of tenancy, building maintenance, complaints and repairs relating to applicable safety codes. The responsible party must be available as a point of contact for the county as well as any short-term rental guest(s) for the duration of the stay in the short-term rental. The responsible party shall be available twenty-four hours per day, seven days per week for the purpose of responding within two hours to complaints related to the short-term rental and taking remedial action to resolve such complaints.

*Restaurant:* Any place or premises used for sale, dispensing or service of food, refreshment or beverages.

*Restaurant, drive-in:* Any place or premises used for sale, dispensing or service of food, refreshment or beverage to person(s) in automobiles, including those establishments where customers may eat or drink on the premises.

*Right-of-way:* That area, distinguished from an easement, which is owned in fee-simple title by the governing body or other government, for the present or future use of roads, streets, and highways, together with its drainage facilities and other supporting uses and structures.

*Rooming house:* A building where, for compensation, lodging only is provided.

*School:* A facility that provides curriculum of elementary and secondary academic instruction. A school is considered public if operated by the county board of education.

*Screening:* A method of shielding, obscuring or buffering one use or building from another use or building by fencing, walls, berms, densely planted vegetation, natural vegetation or other means; a visual and acoustical barrier which is of such nature and density that provides year-round maximum capacity from the ground to a height of at least six feet or that screens structures and activities from view from the normal level of a first story window on an abutting lot.

*Semi-public use:* Any building, structure or use owned and/or operated by private utilities for the purpose of providing utilities to the public, or which is reasonably necessary for the furnishing of adequate service by such utilities, such as but not limited to the following: underground or overhead gas, electrical,

steam, or water distribution or transmission lines or systems, electric power substations, wires, towers, cables, and poles.

*Setback:* The minimum horizontal distance between the property boundary lines of a lot and the front, rear, or side lines of a building, other structure or activity located on that lot.

*Short-term rental advertisement.* Any method of soliciting use of a lodging accommodation or any part thereof for short-term rental purposes.

*Short term rental.* Short term vacation rental means an accommodation for transient guests where, in exchange for compensation, a residential dwelling unit is provided for lodging for a period of time not to exceed 30 consecutive days. For the purposes of this definition, a residential dwelling shall include all housing types and shall exclude group living or other lodging uses.

*Short-term rental host. (Innkeeper)* Any person who is the owner of a lodging accommodation or any part thereof that is offered for short-term rentals for periods of 30 days or less and who is responsible for applying for a short-term rental host application and fee.

*Site plan:* A two-dimensional graphic illustration, prepared to scale, showing accurately and with complete dimensioning the boundaries of a lot or tract and the location of all buildings, structures, uses and principal site development features proposed for a specific lot or tract of land.

*Small appliance:* Any appliance that typically can fit on a counter top such as microwave, toaster, mixer, blender, iron, toaster oven, electric skillet, or other plug in electric devices.

*Street:* A public or private thoroughfare which affords the principal means of access to abutting property.

*Structure:* Anything constructed or erected, the use of which requires more or less permanent location on or in the ground, or which is attached to something having more or less permanent location on or in the ground, including, without limitation, wells, signs, tiles, liners, and any other tangible property placed on or in the ground to facilitate any use.

*Tourism:* A facility or use for the purpose of attracting and serving of people visiting an area for recreation, vacation, special events, education and conferencing.

*Townhouse:* A single-family dwelling in a row of at least three attached units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls. A townhouse shall have at least two stories.

*Trade shop:* An enclosed structure used for the commercial operation of a skilled trade, including but not limited to, cabinet making and carpentry, sheet metal, roofing, upholstery, electrical and plumbing.

*Truck stop:* An area principally devoted to the service, refueling, temporary storage or parking of trucks, including accessory buildings, structures and uses such as restaurants.

*Truck terminal:* An area where cargo is stored for routing or reshipment and where trucks load and unload cargo on a regular basis, or an area in which semi-trailers and/or trucks are parked and stored.

*Use:* Any purpose for which a building, structure or a tract of land is actually being utilized at a particular point in time; or any activity, occupation, business, or operation actually being carried on in a building or structure or on a tract of land at a particular point in time.

*Variance:* A minimal relaxation or modification of the strict terms of the height, area, placement, setback, yard, buffer, landscape strip, parking and loading regulations as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make a profit.

*Vehicles.* Vehicles include cars, trucks, boats, ATV's, trailers, golf carts and motorcycles.

*Yard:* A space on the same lot with a principal building, which is open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted. A yard may contain a parking and/or loading area and fencing unless otherwise specified by these regulations.

*Yard, front:* A space on the same lot with a principal building, extending the full width of the lot, and situated between the street right-of-way and the front line of the building projected to the side lines of the lot. In the case of a corner lot, both spaces with street frontage shall be considered front yards. In the case of double frontage lots, the spaces as defined above shall both be considered front yards.

*Yard, rear:* A space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

*Yard, side:* A space on the same lot with a principal building, situated between the building and the side lot line and extending from the rear line of the front yard to the front line of the rear yard.