

# Article 1. Adoption, Purpose and Applicability

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## **Article 1. Adoption, Purpose and Applicability**

Article 1 provides for the adoption of the Unified Development Code, sets out its purpose and intent, describes the lands and development to which the Ordinance applies, shelters approved permits from changes in the regulations, and provides for the continuation of preexisting uses, structures, lots and signs that are not in conformity with the provisions of this Code.

### **Sec. 101. Title and Authority.**

#### **101.01 Short title.**

These regulations shall be known and may be cited as "The Unified Development Code of Harris County, Georgia," and may be referred to generally as "The Development Code" or "The UDC."

#### **101.02 Authority.**

Pursuant to authority conferred by the Constitution of Georgia, and for the purposes of promoting the health, safety, morals, convenience, order, prosperity and the general welfare of the present and future inhabitants of Harris County, Georgia, this Development Code is adopted as contained and detailed herein.

### **Sec. 102. Adoption.**

Under the authority and for the purposes stated herein, the Board of Commissioners of Harris County, Georgia, hereby ordains and enacts into law the Articles and Sections contained in this Unified Development Code of Harris County, Georgia.

#### **102.01 Components of the Development Code.**

This Development Code and the official zoning map of the county on file and maintained in the Community Development Department shall together constitute the Unified Development Code of Harris County, Georgia.

#### **102.02 Conflict with Other Regulations.**

- (a) Whenever the provisions of this Development Code impose greater restrictions upon the use of land or buildings or upon the height of buildings or require a greater lot width or depth or size of yard or a larger percentage of lot to be left unoccupied or impose other more restrictive standards than are required in or under other ordinances, rules, regulations, statutes, permits of any easements, covenants or other agreements between parties, the provisions of this Development Code shall govern, unless otherwise stated herein.
- (b) Whenever the provisions of any other statutes or covenants require more restrictive standards than those of this Development Code, the provision of such statutes or covenants shall govern.

#### **102.03 Repeal of Conflicting Ordinances.**

All resolutions, regulations or ordinances and parts of resolutions, regulations or ordinances in conflict with this Development Code are hereby repealed to the extent of such conflict.

#### **102.04 Severability.**

If any article, subsection, sentence, clause, or phrase of this Development Code is for any reason declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Development Code as a whole nor of any part thereof that is not specifically declared to be invalid or unconstitutional, it being the intent of the Harris County Board of Commissioners in adopting this Development Code that no portion thereof or provision contained herein, shall become inoperative or fail by reason of the unconstitutionality or invalidity of any article, section, subsection, sentence, clause, phrase, or provisions of this Development Code.

**102.05 Effective Date.**

This Development Code shall take effect and shall be in force from and after the date of its adoption by the Board of Commissioners of Harris County, the public welfare demanding it.

**Sec. 103. Purpose and Intent.**

**103.01 Purposes of the Development Code.**

The purpose of this Development Code is to promote the health, safety, morals, convenience, order, prosperity, and general welfare of the community; for facilitating the development of the county in conformity with the Comprehensive Plan ; and for the following purposes:

- (a) To lessen congestion in the streets;
- (b) To secure safety from fire, panic and other dangers;
- (c) To provide adequate light and air;
- (d) To prevent the overcrowding of land and avoid both undue concentration of population and urban sprawl;
- (e) To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- (f) To protect property against blight and depreciation;
- (g) To encourage the most appropriate use of land, buildings, and other structures throughout Harris County;
- (h) To provide a system for the subdividing of lands and the accurate recording of land titles;
- (i) To provide assurance that lots shown on recorded subdivision plats are usable by the purchasers for their intended and permitted functions;
- (j) To encourage economically sound and orderly land development in accordance with the policies and objectives of the Harris County Comprehensive Plan;
- (k) To assure the provision of required streets, utilities, and other facilities and services to new land developments in conformance with the public improvement policies of the County;
- (l) To assure adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in new land developments;
- (m) To assure the provision of needed open spaces and public facility sites in new land developments through the dedication or reservation for purchase of land for public purposes; and

- (n) To assure equitable review and approval of all subdivisions and site plans by providing uniform procedures and standards for the developer.

**103.02 Purposes of the Comprehensive Plan.**

The Harris County Comprehensive Plan is intended for the following purposes, among others:

- (a) To guide and direct growth and development in Harris County;
- (b) To protect, preserve, and enhance the County's historic, environmental, economic and social resources;
- (c) To identify current land uses in order to assist the County in making budgetary, utility and other resource allocations;
- (d) To enable Harris County to predict future land uses for planning purposes;
- (e) To assist the County in fulfilling its statutory and other legal obligations; and
- (f) To provide a public document that will serve as a means of general information on land use and development for the citizens of Harris County and other interested parties.

**103.03 Intent in Interpretation.**

In interpreting and applying this Development Code, the requirements contained herein are declared to be minimum requirements necessary to carry out the purposes of this Development Code.

**103.04 Other Applicable Regulations.**

- (a) Regional Planning; County Participation.

The county shall participate in the area planning commission region and shall participate on an equal financial basis with each county and city government comprising the River Valley Regional Commission. For State Law reference see Regional Development Centers, O.C.G.A. § 50-8-30 et seq.

- (b) Regional Land Use Policy Plan.

The regional land use policy plan written by the staff of the River Valley Regional Commission is hereby adopted to use as a guide for the future growth and development of the county and to be a vital element of the county's ongoing comprehensive planning program.

- (c) Regional Housing Policy Plan.

The regional housing policy plan written by the staff of the River Valley Regional Commission is hereby adopted, to use as a guide for the betterment of the housing conditions in the county.

**103.05 Intent Relative to Private Property Agreements.**

Except as herein provided, this Development Code shall not be deemed to interface with, abrogate, annul or otherwise affect in any manner whatsoever easements, covenants, or other agreements between parties; provided that, when the regulations of this Development Code are more restrictive or impose higher standards or requirements than such private easements, covenants, or other legal relationships, the regulations of this Development Code shall govern. In no case, however, shall Harris County be required to enforce such private easements,

covenants, or other private agreements or legal relationships, whether they are more restrictive or less restrictive than the standards or requirements of this Development Code.

**Sec. 104. General Applicability.**

**104.01 General Applicability.**

This Development Code shall apply to every lot, property, use and structure in Harris County except as excluded in the Nonconformities Section of this Article.

**104.02 Jurisdiction.**

This Development Code shall govern the development of land and shall apply to the buildings, structures, and uses on all lands within unincorporated Harris County.

**104.03 Exemptions.**

(a) Conditions of Approval.

Nothing herein shall be construed as repealing or modifying the conditions of approval associated with any zoning, special use, conditional use, or variance approved prior to the effective date of this Development Code.

(b) Subdivisions with Prior Approval.

A subdivision that received preliminary plat approval prior to the adoption of this Development Code shall be allowed to continue development according to said preliminary plat and its associated development plans under the Development Regulations in effect at the time the preliminary plat and its development plans were approved. This provision shall expire one year following the date of preliminary plat approval, unless construction has begun and continuous work is being performed on the project.

(c) Previously Issued Permits.

The provisions of this Development Code shall not affect the validity of any lawfully issued and effective site development plan approval, building permit, or development permit.

(1) The development activity or building construction must comply with all time frames associated with said approval or permit and must continue until the development or construction is complete. If the approved site development plan or permit expires and is not renewed by the permittee, any further development or construction on the site shall require a new application in conformance with the requirements of this Development Code.

(d) Recently Approved Rezoning or Special Uses.

In order to provide a smooth transition to the new Unified Development Code, any property rezoned or granted special use approval within the 6 calendar months preceding adoption of the Unified Development Code, but for which such use is not allowed under the Unified Development Code, shall nonetheless be allowed to be used for such purpose as previously approved, provided that:

(1) The development activity or building construction must comply with all time frames associated with said approval or permit and must continue development in accordance with said approval or permit until construction is complete. If the permit expires and is not renewed, any further development or construction on that site shall

occur only in conformance with the requirements of the Unified Development Code in effect on the date of the permit expiration.

(e) Previously Submitted Applications.

Any valid and complete application accepted by the Community Development Department prior to the effective date of this Development Code for the development of, construction upon, or use of land shall be processed and approved or issued under the applicable Harris County regulations in place prior to the effective date of this Development Code, provided that the Development Permit is approved within 12 calendar months of the effective date of this Development Code.

(f) Effect of Unified Development Code on Exempt Properties.

(1) To the extent that exemption under this Section 104.03 results in nonconformity with the provisions of this Development Code, such properties shall be governed by the requirements of Section 106, Nonconformities.

(2) Any new application for a zoning map change, a variance, a concept plan, a preliminary subdivision plat, a site development plan, a development permit, a building permit, or any other action affecting an exempt property covered under the provisions of this Section shall be considered and acted upon under the procedural provisions of this Development Code, as applicable.

(3) The owner of a property that is otherwise exempt under this Section may, at his or her option, develop the property in conformity with the provisions of this Development Code.

**Sec. 105. Application of the Regulations.**

**105.01 Use, Occupancy, and Construction.**

(a) No building or structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall be erected, constructed, moved, or structurally altered except in conformity with the regulations of this Development Code.

(b) Existing buildings, structures and uses that comply with the regulations of this Code shall be subject to all regulations of this Development Code. Existing buildings, structures and uses that do not comply with the regulations of this Development Code shall be authorized to continue subject to the provisions of this Article relating to nonconformities.

(c) All subdivisions, planned developments and land development projects proposed for approval and permitting hereafter shall be subject to all regulations of this Development Code.

(d) Any building or premises shall only be used for a purpose permitted in the zoning district in which the building or premises is located.

(e) Any land disturbance activity or any development activity must first comply with this Development Code.

**105.02 Height and Density.**

(a) Density shall be calculated based on the minimum lot size requirements in Article 4.

- (b) No building or structure shall hereafter be erected, constructed, reconstructed, or altered to:
  - (1) Exceed the height limits.
  - (2) House a greater number of units per acre or occupy a smaller lot area than is herein required.
  - (3) Have narrower or smaller front, rear, or side yards than are herein required.
  - (4) Be in nonconformance with the minimum lot size requirements of the zoning district in which they are located, with the exception of lots served by on-site sewer, septic tank, which shall be subject to the approval and lot size standards of the Harris County Environmental Health Department.
- (c) See Table 4-1 for maximum density per zoning district.

The current density is set by the restrictions set forth in lot size, lot coverage percentage, lot width, lot frontage, and setback requirements.

**105.03 Reduction in Lot Size.**

No land or lot area shall be reduced in size so that the lot width or depth, size of yards or open spaces, lot area per family, or any other requirement of this Development Code is not maintained. This limitation shall not apply when a portion of a lot is acquired for a public purpose.

**105.04 Yards and Other Spaces.**

No yard or open space provided about any building for the purpose of complying with these regulations shall be considered as providing a yard or other open space for any other building.

**105.05 Only One Principal Building or Use on a Residential Lot.**

Only one principal building or structure or use and its customary accessory building and uses shall be permitted on any lot of record within a residential zoning district. All buildings within a non-residential or multi-family zoning district shall be considered principal buildings.

**105.06 Dedication of Public Lands and Facilities.**

No land dedicated as a public street or other public purpose shall be opened or accepted as a public street or for any other public purpose, and no subdivision of land shall be made, nor subdivision plat, nor part thereof, shall be recorded before obtaining final approval from the Harris County Board of Commissioners. Said approval shall be entered in writing on the Final Plat by the Community Development Director or Planning Commission Chairman, in accordance with this Development Code. Said Director or Chairman is hereby authorized to accept such dedications of lands and public facilities on behalf of Harris County and to cause such dedications to be recorded by the Clerk to Superior Court of Harris County, subject to ratification by the County Board of Commissioners.

**Sec. 106. Nonconformities.**

**106.01 Intent of Nonconformities Section.**

This Section defines the provisions that protect uses, structures, lots, and signs that lawfully existed prior to the adoption of this Development Code or a subsequent amendment, but no longer conform to the regulations herein. The primary intent of the treatment of nonconformity

is to allow continuation of these uses, structures, lots and signs until the end of their useful life, while encouraging conformance to the new regulations when it becomes reasonable to do so.

**106.02 Nonconforming Development; In General.**

- (a) Lawful nonconforming uses, structures, lots, and signs are declared by this Development Code to be incompatible with land uses, structures, lots, and signs that conform to the requirements of the zoning districts in which the nonconformity exists. However, such nonconforming development may continue under the circumstances presented in this Code Section for each type of nonconformity.
- (b) For the purpose of this Section 106, "fair market value" shall be computed from the amount a building or structure, as applicable, is appraised for tax purposes by Harris County.

**106.03 Continuation of Illegal Nonconformity Prohibited.**

Any use, structure, lot, or sign that did not conform to the applicable codes or ordinances of Harris County at the time of its creation, construction, or placement, or as a result of subsequent enlargement or expansion, shall not be considered a lawful nonconforming use, structure, lot, or sign and is prohibited.

**106.04 Nonconforming Uses.**

- (a) Nonconforming Use; Defined.

A lawful nonconforming use is a use or activity that was lawfully established prior to the adoption or amendment of this Development Code, but which, by reason of such adoption or amendment, is no longer a use or activity permitted by right or no longer meets or conforms to the requirements of this Development Code.

- (b) Continuance of Nonconforming Uses.

Except as otherwise provided in this article, the lawful nonconforming use of any building structure or tract of land existing at the time of the adoption of this Development Code or any subsequent amendment may be continued and maintained even though such use does not conform with the provisions of this Development Code, provided that the nonconforming use shall not be:

- (1) Extended in any way, either on the same or adjoining property.
- (2) Extended to occupy a greater area of a building or structure.
- (3) Re-established after discontinuance for 12 months regardless of the intent of the owner or occupier to resume the nonconforming use, except in conformity with the regulations of the district in which it is located.
- (4) Changed to another nonconforming use.
- (5) Established or created in violation of any previous zoning or development ordinance in effect in Harris County and remains in violation of this Development Code.

**106.05 Nonconforming Structures.**

- (a) Nonconforming Structure; Defined.

A lawful nonconforming structure is a structure or building whose size, dimensions, location on a property, or other features were lawful prior to the adoption or amendment of this

Development Code, but which, by reason of such adoption or amendment, no longer meets or conforms to one or more requirements of this Development Code.

(b) Continuanace of Nonconforming Structures.

- (1) A nonconforming structure shall not be added to or enlarged in any manner unless said structure, including additions and enlargements, is made to conform to all the regulations or other appropriate related codes. An appeal from this section may be submitted to the Board of Zoning Adjustment.
- (2) Structures that are nonconforming for reasons of design standards, landscaping requirements, or buffer standards may be occupied by another tenant, regardless of use, without having to bring the structure/building into compliance with the current standards provided the "footprint" or the height of the structure/building is not increased.
- (3) Change of ownership, tenancy, or management of a nonconforming structure shall not affect its legal, nonconforming status.
- (4) Any nonconforming use of land or structure which is damaged to an extent of 60 percent or more of its fair market value, as determined by the Building Official, shall not be restored except in conformity with all applicable regulations and building codes.
- (5) Any nonconforming use of land or structure which is damaged to an extent less than 60 percent of its fair market value, as determined by the Building Official, may be restored, provided it is replaced within six months..
- (6) In the case of damage to a manufactured housing unit in place at the time of adoption of this ordinance, application for replacement may be made to the county inspector within one year of date of damage.

(c) Maintenance and Repairs to Nonconforming Structures.

A legal nonconforming structure may be maintained or repaired as required to keep the structure in sound condition , under permit, in accordance with all pertinent building codes and ordinances. No structural alterations shall be made except in conformity with this Development Code or as are required by other laws or ordinances.

**106.06 Nonconforming Lots.**

(a) Nonconforming Lot; Defined.

A lawful nonconforming lot is a lot of record whose area, frontage, width, or other dimensions, or location were lawful prior to the adoption or amendment of this Development Code, and which, by reason of such adoption or amendment, no longer meets or exceeds one or more such requirements of the applicable zoning district.

(b) Treatment of Nonconforming Lots.

- (1) A lawful, nonconforming lot of record, which does not adjoin undeveloped land (or land which has been subdivided but a building permit has not been issued for the site), under the same ownership may be used as a building site even though such lot or parcel fails to meet the minimum requirements for lot area, lot width or both. With

respect to such lots or parcels, yard requirements and other requirements shall be subject to the following:

- a. Must meet applicable setback requirements.
- b. Must not exceed the maximum lot coverage requirements.
- c. Must have an approved on-site sewage permit from the Harris County Board of Health.

**106.07 Nonconforming Signs.**

See the Nonconforming Signs Section of Article 7 of this Development Code.

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