

Article 3. Restrictions on Particular Uses

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Article 3. Restrictions on Particular Uses

This Article provides land use and development regulations applicable to specific land uses that are otherwise allowed. Unless otherwise noted, these standards are intended to be applied within all zoning districts where the particular uses are allowed, whether by right or through approval of use permits.

DIVISION 1. RESTRICTIONS THAT APPLY GENERALLY.

Sec. 301. Required County Approvals.

All county approvals that are required for the use of land and structures and for the location and operation of businesses and industries shall be obtained by the applicant and transmitted with the request for a building permit, an occupancy permit, a zoning amendment, a planned unit development, a special use, or a variance. Except as otherwise required by state law, no local action shall be taken and no public hearings shall be held until the above-required approvals have been obtain by the applicant.

Sec. 302. Additional Code and Licensing Requirements.

All land uses, buildings, and businesses must comply with all applicable provisions of the Code of Ordinances of Harris County, Georgia.

Sec. 303. Restrictions on Uses.

- (a) Division II identifies restrictions and requirements that apply to specific principal or accessory uses.
- (b) Where a use in this section requires approval as a Special Use, see Article 12 for related procedural requirements
- (c) See also Article 4 for development standards that apply to all lots and principal structures by zoning district, as well as for setback and height restrictions for accessory buildings and structures. Where there is a conflict between Article 4 and Article 3, the requirements in this Article shall apply.
- (d) See also Article 5 for development standards that apply within subdivisions and planned developments. Where there is a conflict between Article 5 and Article 3, the requirements in Article 5 shall apply.

DIVISION 2. RESTRICTIONS THAT APPLY TO PRINCIPAL OR ACCESSORY USES.

Sec. 304. Accessory Buildings Customary to a Dwelling.

- (a) An accessory building or structure may be erected either attached or unattached to a principal building on the same lot. An attached accessory building shall be considered a part of the principal building and shall comply with the requirements of the district in which it is located.
- (b) See Article 4 (Lot and Building Standards) for setback restrictions and additional requirements for accessory buildings and structures, including accessory dwelling units.
- (c) Agricultural use structures shall comply with applicable development and permitting standards in Article 4 (Lot and Building Standards) of this Development Code.

Sec. 305. Adult Entertainment.

An adult entertainment establishment shall be subject to the location requirements and all other rules and requirements of the Harris County Code of Ordinances, Adult Business Ordinance as well as all other current and future pertinent local, state, and federal laws.

Sec. 306. Airports, commercial.

- (a) Proposed public or commercial airports shall be so located and of sufficient size to meet Federal Aviation Agency requirements and not constitute a nuisance to surrounding uses.
- (b) Runway Protection Zones.
 - (1) Runway protection zones, as defined by guidelines of the Federal Aviation Administration, shall be documented in an Airport Layout Plan recognized by the Georgia Department of Transportation, and shall be protected from land uses that are incompatible with aircraft operations.
 - (2) Prior to any development or change of land use proposed within a runway protection zone, an analysis shall be conducted to determine whether such use is considered to be compatible or incompatible based on guidance from the FAA.
 - (3) If not determined to be compatible with FAA guidance, a use shall not be permitted within a runway protection zone.

Sec. 307. Alcoholic Beverages.

The sale, possession, and distribution of alcoholic beverages shall be subject to the location requirements and all other rules and requirements of the Harris County Code of Ordinances, Alcoholic Beverage Ordinance as well as all other current and future pertinent local, state, and federal ordinances.

Sec. 308. Agricultural Uses.

308.01 Compliance with State Regulations.

- (a) Any agricultural land uses related to animal production, crop production, or similar uses, whether permitted by right or special use approval, shall comply with applicable restrictions set forth by the Georgia Department of Agriculture and other applicable state regulations.

308.02 General Requirements.

- (a) Buildings used for housing or holding animals or livestock in association with agricultural animal production activities must be at least 100 feet from all property lines.

Sec. 309. Agritourism Uses.

309.01 Purpose.

The purpose of these standards is to allow agritourism uses in Harris County while maintaining the rural character and preserving farmland of the area and protecting the health, safety and welfare of the citizens.

309.02 General

- (a) Agritourism, as defined in Article 13 of this Development Code, may be allowed on working farms in Harris County in accordance with the standards set forth in this section.

(b) Agritourism activities are linked directly to the primary agricultural use of the property and any recreation, education or active involvement in the farm operation is secondary and shall constitute only a percentage of the total working farm.

(c) For farm wineries, see Section 319.

309.03 General Minimum Standards

(a) Minimum lot size: 5 acres

(b) An applicant may also specify a particular use that falls under agritourism

309.04 Corn Maze.

A corn maze, as allowable per Table 2-1, may have an associated snack shop in accordance with section 309.09.

309.05 Farm Dinner.

(a) Limited to once per calendar quarter.

309.06 Farm Tour, educational.

(a) Education farm tours include tour on a working sustainable farm for the purpose of providing learning experiences about life on a farm. Examples include, but are not limited to, a walking tour, a self-driving tour, or a riding tour on a wagon or hay ride.

(b) A snack shop may be included as an accessory use in accordance with Section 309.09.

309.07 Festival, agricultural/educational.

An event which centers on and celebrates some unique aspect of the community such as strawberry, blueberry or butterfly festival, but does not include carnivals.

(a) Festival duration is limited to 3 days.

(b) Limited to 3 festivals per calendar year on the same parcel and/or under the same ownership/applicant (person or entity).

(c) A special use permit shall be required in accordance with Article 11 (Procedures and Permits). In addition, the following shall be included in the application:

- (1) A detailed operational plan shall be included with the special use permit application and shall state the following:
 - a. Type of festival
 - b. Type and number of vendors
 - c. Hours of operation
 - d. Scaled-drawing showing the location of the event and parking areas
 - e. Any other pertinent information

309.08 Retail Sales of Seasonal Products.

(a) Retail sales of seasonal items including, but not limited to, pumpkin patches and Christmas tree farms, may be included in agritourism uses in accordance with Section 343 and shall be allowed as set forth in Table 2-1 in Article 2 of this Development Code.

309.09 Snack Shop.

- (a) Snack shops are permitted as a temporary accessory use to the following uses:
 - (1) Corn maze.
 - (2) Farmers market.
 - (3) Farm tours, educational.
 - (4) Pumpkin patch
 - (5) Or as otherwise specified in this Development Code.
- (b) Standards for temporary snack shop structure and/or use:
 - (1) A temporary structure not to exceed 200 square feet.
 - (2) No electrical service and/or no water service.
 - (3) Hours of operation must mirror hours of operation of principal use.
 - (4) Structure must be located off the right-of-way.
 - (5) Structure must be removed at end of seasonal operation.

309.10 Application Requirements

- (a) Special Use permit is required. Approval of a special use permit allows for the property owner to use the property for the agritourism-related uses listed above, or similar uses approved by the Board of Commissioners (may or may not be specified).
- (b) See Section 1106.07 in Article 11 for all application requirements for Agritourism uses.

Sec. 310. Automotive Repair and Maintenance Services.

310.01 Compatibility with Adjacent Uses.

Any automotive repair service, automotive paint and body shop, or similar establishment, shall not be located nearer than 300 feet from any established residential district.

310.02 Storage of Vehicles.

- (a) Vehicles must be stored within the footprint of the building or within the rear yard of the principal structure.
- (b) Vehicles awaiting repair shall not be stored outside of the business establishment or fenced area for periods greater than 48 hours.
- (c) The outside storage of unlicensed and unregistered vehicles is prohibited.

310.03 Screening.

- (a) A 6-foot opaque fence or vegetated buffer shall be provided along property lines of an automotive repair and maintenance service use adjacent to a residential zoning district. The vegetated buffer must meet buffer requirements set forth in Article 4 of this Development Code.

Sec. 311. Bed and Breakfast Inns.

A bed and breakfast inn must meet the following requirements:

- (a) A bed and breakfast inn may contain no more than 6 guest rooms, exclusive of the owner-occupant family of the residence.

- (b) Individual rooms that are rented shall not contain cooking facilities.
- (c) The exterior appearance of the structure shall be single-family residential in character.
- (d) The owner of the bed and breakfast inn or rooming and boarding house must reside on the property.
- (e) See separate requirements for hotels or rooming and boarding houses that may offer residence on a permanent or long term (more than 30 days) basis.

Sec. 312. Reserved.

Sec. 313. Campgrounds, RV Parks, and Recreational Camps.

Campground facilities, lodges, and/or retreats that will include lodging and food service for social, educational and/or recreational purposes shall meet the following requirements:

- (a) Special use approval is required in accordance with the procedures set forth in Article 11 of this Development Code.
- (b) Recreational facilities associated with the use shall be for staff and guests only.
- (c) If the site is greater than 10 acres in total, the recreational campground facilities shall be limited to the CORD district and shall comply with the associated requirements, upon special use approval.
- (d) Duration.
Length of stay for all but permanent staff shall not exceed 30 consecutive days.
- (e) Required buffers.
 - (1) A minimum 100-foot buffer is required along any property line adjacent to residential zoning districts or A-1 zoning districts.
 - (2) A minimum 50-foot buffer is required along any property line adjacent to non-residential zoning districts.
- (f) Sanitary facilities or trash receptacles shall be located a minimum of 200 feet from any residential zoning district and/or A-1 zoning district.
- (g) Facilities must be served by public sewer when available within 1,000 feet of a utilized gravity flow.

Sec. 314. Cemeteries, commercial.

- (a) All cemeteries hereafter established shall have direct access to major thoroughfares with ingress and egress so designed to minimize traffic congestion.
- (b) Any new cemetery shall be located on a site containing not less than 10 acres. Structure setback shall conform to the district regulations in which the site is located. All burial lots shall be set back not less than 25 feet from any lot line.

Sec. 315. Day Care Facilities.

315.01 Adult Day Care Centers.

- (a) All day care facilities shall obtain necessary state licenses and shall be operated in conformance with all applicable state and local regulations.
- (b) Adult Day Care Centers, as defined in this Development Code, shall be limited to persons 60 years of age or older or mature adults below the age of 60 whose needs and interests are substantially similar to persons 60 years of age or older who have physical or mental limitations that restrict their abilities to perform the normal activities of daily living and impede independent living.
- (c) Outdoor recreation areas visible from a public road must be screened from view using a solid wood fence a minimum of 6 feet in height or a combination of chain link fence and landscaping, or berm, or shall otherwise conform to state requirements.
- (d) Services shall not include day habilitation and treatment services exclusively for individuals with developmental disabilities.

315.02 Child Day Care Facilities.

- (a) All day care facilities shall obtain necessary state licenses and shall be operated in conformance with all applicable state and local regulations.
- (b) Outdoor recreation areas shall be provided in the rear or side yards for all child day care facilities.
- (c) Outdoor recreation areas visible from a public road must be screened from view using a solid wood fence a minimum of 6 feet in height or a combination of chain link fence and landscaping, or berm, or shall otherwise conform to state requirements.

315.03 Family Day Care Facilities.

- (a) Family day care facility may be established as an accessory use to a private residence that operates as a daycare facility for up to 6 children or adults as described in Section 315.01. See additional restrictions under "Home Occupations" in this Article.
- (b) All day care facilities shall obtain necessary state licenses and shall be operated in conformance with all applicable state and local regulations.
- (c) Outdoor play areas shall be limited to the rear yard of the primary residence.
- (d) Outdoor play areas visible from a public road must be screened from view using a solid wood fence a minimum of 6 feet in height or a combination of chain link fence and landscaping, or berm.

Sec. 316. Reserved.

Sec. 317. Drive-In Theaters.

- (a) The site must have direct access to a major thoroughfare with ingress and egress separated and marked to minimize traffic congestion.
- (b) The theater screen shall not be visible from any public street within 1,500 feet. Automobiles parked in the viewing area shall be effectively screened on all sides by a wall, fence, or densely planted evergreen hedge of not less than 6 feet in height.
- (c) All setbacks in the zoning district in which the use is permitted shall apply to all main or accessory structures.

- (d) Off-street admission waiting space for patrons shall be equal to 20 percent of the capacity of the theater.
- (e) All parking and access way shall be adequately lighted; however, all lighting shall be shielded to prevent glare or reflection onto a public street or any adjoining property.
- (f) No central loudspeaker system is permitted.
- (g) The sale of refreshments and play area shall be limited to the use of patrons of the theater.

Sec. 318. Farmers Market, permanent.

A farmers market, as defined in Article 13 of this Development Code, shall meet the following requirements:

- (a) Shall be located on a working sustainable farm of at least 5 acres.
- (b)
- (c) A minimum of 50% of agricultural products (fruits, produce, meat products, and dairy products) available for purchase by consumers shall be grown on the farm. The remainder may be from other, preferably local, locations.
- (d) A snack shop is permitted as an accessory use/structure in accordance with Section 309.09.
- (e) For temporary farmers markets, see under Temporary Uses and Events.

Sec. 319. Farm Wineries.

319.01 General.

In addition to requirements set forth in this section, farm wineries which are qualified and licensed by the State of Georgia must comply with requirements set forth in the Alcoholic Beverage Ordinance in Chapter 6 of the Harris County Code of Ordinances.

319.02 Minimum Requirements.

- (a) Must be located on agriculturally zoned property as indicated in Table 2-1 of this Development Code.
- (b) Minimum 5 acres
- (c) The winery makes at least 40% of its annual production from agricultural produce grown in the State of Georgia and at least one of the following:
 - (1) Is located on the premises, a substantial portion of which is used for agricultural purposes including the cultivation of grapes, berries, or fruits to be utilized in the manufacture or production of wine by the winery; or
 - (2) Is owned and operated by persons who are engaged in the production of a substantial portion of the agricultural produce used in its annual production.

Sec. 320. Food Trucks.

The following standards apply to the ownership and operation of food trucks which are defined in Article 13 of this Development Code. It shall not be the intention of this Development Code to prohibit the hiring of food trucks for private events.

- (a) Food trucks shall comply with local and state permitting requirements;

- (b) Food trucks shall maintain all Harris County, State of Georgia, and federal licenses and shall follow all laws of the State and County Health Departments, or any other applicable laws;
- (c) Food trucks shall not conduct business or operate under this Section in the public right-of-way;
- (d) Food trucks shall be required to park on all-weather surfaces;
- (e) A food truck shall not become a permanent structure, but shall remain mobile and able to be moved.
- (f) Food trucks shall not emit sounds, outcry, speaker, amplifier or announcements while traveling on the public right-of-way or when stationary;
- (g) Lighting shall comply with the outdoor lighting standards of this Article as to minimize impact on adjacent property or uses.
- (h) Owner/operator of a food truck shall be responsible for the proper disposal of waste and trash associated with the operation;
- (i) Owner/operator of a food truck shall remove all generated waste and trash from their approved location at the end of each day or as needed to maintain the public health and safety, and no liquid waste or grease is to be disposed of in tree pits, storm drains or onto the sidewalks, streets or other public or private space;
- (j) Food trucks shall have an adequate supply of fresh water (through the means of an on-truck fresh water tank) to maintain the operation of the food service in a safe and sanitary manner; and
- (k) In the case of private events, food truck operations must meet the requirements herein.

Sec. 321. Gasoline Stations.

The following regulations shall apply to all gasoline stations:

- (a) Setbacks.
 - (1) There shall be a building setback from all public street right-of-way lines a distance of not less than 50 feet. Other yard setbacks shall conform to the zoning district in which the station is located.
 - (2) Gasoline pump islands shall not be located closer than 15 feet to any street right-of-way line; however, when pump islands are constructed perpendicular to the pavement edge, the pump island shall be located not less than 30 feet from the right-of-way lines.
- (b) The operation and maintenance of gasoline stations shall comply with applicable federal and state environmental regulations.

Sec. 322. Group Residence for Adults.

- (a) A family qualified group residence for adults, as defined in Article 13 of this Development Code, shall comply with applicable federal, state and local licensing requirements. Copies of applicable local, state, and federal permits shall be provided to the Department of Community Development prior to the issuance of a certificate of occupancy.
- (b) Residents shall be limited to adults over the age of 18 with special needs.

- (c) The number of residents shall not exceed the number approved in the applicable zoning decision at any time.
- (d) Staff shall be present at all times to maintain 24-hour supervision of residents.
- (e) Bedroom suites shall not include kitchen facilities.
- (f) A minimum 100 foot buffer shall be provided along property lines adjacent to a residential or agricultural zoning district.
- (g) Parking shall comply with the requirements of Article 6 or applicable conditions of the approval.
- (h) This use does not include Rooming Houses and uses licensed by the state as Child Caring Institutions, Personal Care Homes, or Assisted Living Facilities.

Sec. 323. Group Residence for Children.

- (a) A family qualified group residence for children, as defined in Article 13 of this Development Code, shall comply with applicable federal, state and local licensing requirements. Copies of applicable local, state, and federal permits shall be provided to the Department of Community Development prior to the issuance of a certificate of occupancy.
- (b) Residents shall be limited to children under the age of 18, or as compliant with applicable state requirements.
- (c) The number of residents shall not exceed the number approved in the zoning decision at any time.
- (d) Staff shall be present at all times to maintain 24-hour supervision of residents.
- (e) A minimum 100 foot buffer shall be provided along property lines adjacent to a residential or agricultural zoning district.
- (f) Parking shall comply with the requirements of Article 6 or applicable conditions of the approval.

Sec. 324. Home Occupations.

324.01 Residential Home Occupations.

- (a) Applicability.

The conduct of business in residential units may be permitted under the provisions of this section in Agricultural/Forestry (A-1), Residential (R-R, R-1, R-2, R-3), Manufactured Home Parks (MHU-1), and Manufactured Home – Subdivisions (MHU-2).

- (b) Purpose and Intent.

It is the intent of this section:

- (1) To ensure the compatibility of home occupations with their uses permitted in the applicable districts;
- (2) To maintain and preserve the character of the districts in which the home occupation exists; and
- (3) To prevent excessive noise, traffic and other potential nuisances from commercial uses being conducted in these districts.

(c) General Requirements.

Residential home occupations, where permitted, must meet the following requirements:

- (1) A home occupation is subordinate to the use of a dwelling unit for residential purposes.
- (2) A home occupation must be operated by the owner of the dwelling unit or with written approval of the owner if applicant resides in a rented dwelling unit.
- (3) No more than 1 person who is not a resident of the dwelling unit may be employed on premises in the conduct of a home occupation.
- (4) Any off-premises employees of the home occupation shall not congregate on the premises for any purpose concerning the home occupation.
- (5) The home occupation shall be located and conducted in such a manner that the average neighbor under normal circumstances would not be aware of its existence. There shall be no goods, products or commodities received or stored on the premises intended for resale or delivery to customers except by U.S. Mail or parcel service.
- (6) No traffic shall be generated by such home occupations in greater volumes than would normally be expected in the residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off-street and other than in a front yard of the dwelling unit.
- (7) On-premises, retail sales are limited to products or goods produced or fabricated on the premises as a result of the home occupation.
- (8) There shall be no external indication of the home occupation or variation from the residential character of the principal use, except as required by local, state and/or federal law.
- (9) No on-street parking of business-related vehicles (either marked or commercially equipped) shall be permitted at any home. Business vehicles having a gross vehicle weight of 10,000 pounds or less are permitted to park overnight on the premises. The number of business-related vehicles is limited to one.
- (10) Allowed uses.

Residential home occupation is limited to the following uses:

- a. A practicing professional
- b. The office use of the operator of a business whose primary work location is off premises and may involve very limited visits or access by clients or customers.
- c. Examples may include, but are not limited to: architectural, engineering, land surveying services; art studio; consulting services; data processing; direct sale product distribution; graphic services; dressmaking, sewing, tailoring, contract sewing; electronic assembly; financial planning or investment services; flower arranging; house cleaning service; insurance sales or broker; interior design; real estate sales or broker; tutoring, etc.
- d. "Cottage food operators" as defined and licensed by the Georgia Department of Agriculture

- (11) Prohibited uses and activities.

- a. Manufacturing processes, including, but not limited to the production of goods industrially, making something into a finished product on a large industrial scale, or producing something with machines in an industrial manner, are prohibited.
- b. Automotive services are prohibited.

(12) For standards for Family Day Care Facilities, see Section 315 of this Article.

324.02 Rural Home Occupations.

(a) Applicability.

Rural home occupations in Agricultural/Forestry (A-1) and Rural Residential (R-R) districts may be permitted under the provision of this section.

(b) Purpose and Intent.

It is the intent of this section:

- (1) To ensure the compatibility of home occupations with other uses permitted in the applicable districts;
- (2) To maintain and preserve the agricultural and rural character of the area; and
- (3) To prevent excessive noise, traffic, and other potential nuisances from commercial uses being conducted in the applicable districts.

The purpose of rural home occupations is:

- (1) To provide a means for residents in the large lot rural districts to participate in the types of businesses that may require more space for equipment and materials than permitted in residential home occupation districts but do not require the type of facilities offered in commercial districts.

(c) General Requirements.

Rural home occupations, where permitted, must meet the following requirements:

- (1) The minimum lot size for rural home occupations is 5 acres. For lots less than 5 acres, the home occupation is limited to the provisions for residential home occupations in Section 324.01.
- (2) The rural home occupation must be clearly subordinate to the principal use of the parcel for dwelling and agricultural purposes, not change the residential and agricultural character of the area and must be operated by the owner of the property or with written approval of the owner if applicant resides in a rented dwelling unit.
- (3) No more than 3 persons who are not residents of the dwelling unit may be employed on premises in the conduct of a home occupation.
- (4) Any off-premises employees of the home occupation shall not congregate on the premises for any purpose concerning the home occupation.
- (5) The home occupation may be conducted within a dwelling or within an accessory building provided that all structures used are harmonious in appearance with the zoning district where the rural home occupation will locate.
- (6) There shall be no external indication of the home occupation or variation from the rural character of the principal use, except as required by local, state and/or federal law.

- (7) One accessory building not exceeding 2,500 square feet and located in compliant position relative to the principal dwelling may be used in connection with the home occupation. If the accessory building is to be occupied, it must meet state building codes.
- (8) Storage of equipment or materials used in the conduct of the home occupation is permitted.
- (9) On-premises retail sales are limited to products or goods produced or fabricated on the premises as a result of the home occupation.
- (10) Allowed uses.
Rural home occupation is limited to the following uses:
 - a. The uses described in Section 324.01(c)(10); and
 - b. Contractors, trade practitioners, and other vendors of services in which storage of equipment is required in the course in the conduct of business.
 - c. Examples may include, but are not limited to, all those listed in Section 324.01(c)(10); veterinary services; masonry, plumbing, electrical, painting, and light construction, contractors; lawn maintenance; and similar uses.
- (11) Prohibited uses and activities.
 - a. Manufacturing processes, including, but not limited to the production of goods industrially, making something into a finished product on a large industrial scale, or producing something with machines in an industrial manner, are prohibited.
 - b. Automotive services are prohibited.

Sec. 325. Hunting and Gaming Preserves, Commercial.

- (a) Commercial hunting shall be limited to guided hunting only.
- (b) If facilities are to be constructed to support commercial hunting operations, the provisions and requirements of the CORD district shall be complied with, upon special use approval.

Sec. 326. Inert Landfills.

- (a) Permits for inert landfills must be approved by the appropriate state agencies and notifications of adjacent property owners prior to approval of county commissioners.
- (b) Inert landfills approved by the appropriate state agency for handling such permits and operations will be allowed to operate without expanding said operation. Any such expansion must have all necessary approvals with notifications of all adjacent property owners.
- (c) Reclamation Bond.
 - (1) A reclamation bond shall be posted by the property owner to ensure that the County has sufficient funds to reclaim the site in the case the permittee fails to complete the approved reclamation plan.
 - (2) The bond shall meet requirements set forth by the Community Development Department.
 - (3) Prior to acceptance, any surety shall be approved by the Board of Commissioners.

Sec. 327. Junk Yard/Storage/Salvage Facilities.

- (a) The junkyard operation shall be located at least 300 feet from any established residential district boundary line.
- (b) All outdoor storage of salvage and wrecking operations shall be conducted within an enclosed solid opaque fence or solid opaque wall not less than six feet in height nor more than ten feet in height.
- (c) The storage of vehicles shall be screened from public view from any public road. Additional screening shall be required to screen view of stored items. Any fence or wall erected for screening purposes shall be properly painted or otherwise maintained in good condition.
- (d) The storage of salvaged materials, junk materials or vehicles shall not exceed 6 feet in height.
- (e) Vehicles awaiting repair shall not be stored outside of the business establishment or fenced area for periods greater than 48 hours.

Sec. 328. Kennels.

A kennel, as defined in this Development Code, shall be subject to all rules and requirements of the Harris County Code of Ordinances, Chapter 5, Article 3 (Animal Control), Division 4 (Kennels), as well as all other current and future pertinent local ordinances.

328.01 Commercial Kennel, Boarding Facility, or Grooming Shelter.

- (a) The state license for this type of facility must be approved by the Georgia Department of Agriculture prior to the issuance of a business license.
- (b) A permit is required in accordance with the "Kennels" Division of the Animal Control Ordinance.
- (c) The parcel on which a kennel is located shall have a minimum of 5 acres.
- (d) All structures for housing dogs, cats, or similar pets or for related uses shall be setback at least 100 feet from all property lines.
- (e) Boarding facilities and kennels:
 - (1) A kennel or boarding facility shall meet requirements set forth in the "Kennels" Division of the Animal Control Ordinance.
 - (2) Grooming activities and storage of associated equipment and supplies shall be located in an enclosed, accessory structure.
 - (3) Inside runs are required in order to house dogs, cats, or similar pets inside;
 - (4) All dogs, cats, or similar pets boarded at the facility shall not be left outside the facility structure overnight.
 - (5) Accepted sanitary waste methods shall be used to prevent runoff of any waste products into any stream or neighboring property.
- (f) A site plan to scale shall be provided that shows: north arrow, placement of all structures with labels, setback of structures from property lines, number and design of dog runs, any cat facilities design, and a narrative describing how the property owner or operator of the facility will comply with the standards stated in this section.

- (g) The "Kennel" Division of the Animal Control Ordinance, and other applicable regulations of that ordinance shall govern nuisance complaints regarding pets and animals.

328.02 Private/Hobby.

- (a) A private/hobby kennel permit is required if a combined total of 6 or more dogs and/or cats over 4 months of age are kept on the property for recreation use, or for exhibition; and where sale of offspring is not the primary function.
- (b) Prior to the issuance of a private/hobby kennel permit, an application must be submitted to and approved by the Community Development Department.
- (c) Private/hobby kennels shall also meet the standards set forth in the "Kennels" Division of the Animal Control Ordinance.
- (d) Locations of private/hobby kennels shall comply with the Development Code.
- (e) The "Kennel" Division of the Animal Control Ordinance, and other applicable regulations of that ordinance shall govern nuisance complaints regarding pets and animals.

Sec. 329. Manufactured Homes.

The purpose of this section is to provide for compatibility of manufactured homes and to impose standards, conditions and an inspection program for pre-owned manufactured homes which are relocated in or to the county.

329.01 Manufactured Home Standards.

Manufactured homes shall be compatible in design and nature to single family residences. The compatibility standards set forth in this section apply only to manufactured homes to be located in A-1 and MHU-2- zoning districts.

- (a) Roof pitch and material.
 - (1) The manufactured housing unit must have a pitched roof with material that is residential in appearance.
 - (2) Allowed materials: Approved wood, asphalt composition, or fiberglass composition shingles, or similar material approved by the Community Development Director.
 - (3) Prohibited materials: corrugated aluminum, corrugated fiberglass or corrugated metal roof.
- (b) Exterior siding materials.
 - (1) The exterior siding must be residential in appearance
 - (2) Allowed materials: Clapboards, simulated clapboards, such as conventional vinyl or metal siding, wood shingles, shakes, or similar material approved by the Community Development Director.
 - (3) Prohibited materials: Smooth, ribbed, or corrugated metal or plastic panels.
- (c) Dimensional requirements.

The manufactured home must have a measured minimum width dimension of at least 20 feet, exclusive of those manufactured homes to be placed in an MHU-1 zone, which must be a minimum of 12 feet in width.
- (d) Construction requirements.

- (1) The manufactured home must be placed on a foundation and be anchored in a manner that complies with the latest published edition of the building codes adopted by the State of Georgia.
 - (2) The manufactured home must have the area underneath the home completely enclosed with a permanent perimeter enclosure. The enclosure shall be of either rock, brick, concrete block, concrete with stucco type finish, except for a minimum of 18-inch by 24-inch latchable access door and required crawl space venting.
 - (3) The hitch, axles and wheels must be removed from the unit when placed.
- (e) Minimum health and safety standards.

The manufactured home to be placed must bear a label certifying that it was constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq. (the HUD Code) prior to issuance of permit and shall be installed in accordance with O.C.G.A. § 8-2-160, et seq.

329.02 Manufactured Home Park Standards.

(a) Purpose.

The purpose of this section is as follows:

- (1) To provide for sound and healthy residential environments sufficient to meet the unique needs of inhabitants living in manufactured homes;
- (2) To protect manufactured home groups from encroachment by incompatible land uses; and
- (3) To encourage the consolidation of manufactured homes into manufactured homes districts.

(b) Site Plan Required.

A survey site plan is required and shall include the following:

- a. Name and address of owner
- b. Vicinity map
- c. Scale - 1"=100'
- d. North arrow
- e. Numbered lots and lot numbers
- f. Size of lots
- g. Street layout
- h. Location of trash container(s)
- i. Location of all utilities including sewage, unless originally approved with site plan

(c) Minimum Development Requirements.

In districts where manufactured home parks are permitted, the following minimum standards shall apply:

- (1) See Article 4 for minimum development standards for manufactured housing parks and manufactured home spaces.
- (2) Standards for manufactured home shall also apply to the latest edition of the building codes adopted by the State of Georgia.

- (3) Each manufactured home space shall be furnished with connections to water, sewer or septic tank, and electricity utilities; and all will be approved by the appropriate public department
 - (4) Each manufactured home space shall be equipped with a pad ten feet for a single-wide, 20 feet for a double-wide by 45 feet long of six inches of compacted gravel or other similar material.
 - (5) Access roads within manufactured home parks shall be not less than 20 feet and shall be paved with a hard surface treatment.
 - (6) There shall be established and maintained guest parking facilities at a ratio of one space per three manufactured home spaces. If access roads are paved to a width of 32 feet, guest off-street parking spaces shall not be required.
 - (7) An approved trash container(s), to be compatible with the Harris County sanitation pickup service, shall be located within 150 feet of any manufactured home park and shall be screened by a solid opaque fence of adequate height to screen from view any material in the container. Such trash containers shall be provided by the manufactured home park owner/operator.
 - (8) A buffer strip shall be planted within the side and rear yards of the manufactured home park, in accordance with Article 4 of this Development Code.
- (d) Accessory buildings and additions.
Accessory buildings or additions to manufactured homes are prohibited.
- (e) Skirting required.
- (1) All manufactured homes shall have suitable skirting between the base of the unit and the ground.
 - (2) This skirting shall be made of either concrete block, brick, wood, or other materials intended for such use.
 - (3) Openings in the skirting shall not be more than 2 inches square.
- (f) Uses.
- (1) Manufactured homes may not be used for nonresidential use within manufactured home parks except for the manufactured home park office.
 - (2) Recreational Vehicles/Travel trailers are prohibited.
Manufactured home space shall not be used for accommodation of travel trailers or recreational vehicles under any circumstances.
- (g) Maintenance.
All owners, operators of a manufactured housing park shall be responsible for the upkeep of all drives (access roads) within the confines of said park; and the grounds shall be clear of all litter, trash, garbage, inoperable automobiles, trucks, etc. as well as maintaining grounds (cutting of grass, maintenance of other landscaping), and drainage to assure a clean, habitable, and sanitary environment.
- (h) Minimum health and safety standards.
- (1) The manufactured home to be placed shall bear a label certifying it was constructed in compliance with the National Manufactured Housing Construction and Safety

Standards Act of 1974, 42 U.S.C. Section 5401, et seq. (the HUD Code) and shall be installed in accordance with O.C.G.A. § 8-2-160, et seq., prior to issuance of permit.

(2) Anchors.

All units shall be provided with anchors as required by the latest edition of the building codes adopted by the State of Georgia.

(i) Inspection.

Before electric service is given any manufactured home, the unit and the lot upon which it is located shall be inspected by the building department after the necessary permits are approved, and all other requirements of this ordinance and other laws, [and] codes, effecting [affecting] said location.

(j) Enforcement.

(1) No owner of a manufactured housing park shall allow a manufactured home to locate or relocate within the park without a location placement permit from the county inspector's office and proof of tax paid.

(2) It shall be the responsibility of the owner/manager of said manufactured housing parks to not rent, lease, or otherwise convey the use of property within confined said manufactured housing park until proper permits have been issued by the Building Inspector for said location.

(3) A registration shall be required to be kept on premises of all lots rented, leased, or otherwise conveyed to include date, name, address, phone, lot number, size and model.

329.03 Pre-owned Manufactured Homes.

In addition to the requirements in Section 329.01, the following applies to pre-owned manufactured homes:

(a) Permit required. A permit shall be required to locate a pre-owned manufactured home in the county. Permit shall be issued within 7 days of receipt of all required items.

(1) To obtain a permit for a unit located at another site within the county, applicants shall provide to the Building Inspector:

- a. An affidavit signed by the applicant that the pre-owned manufactured home meets health and safety standards required by this Development Code; and
- b. Payment of permit and inspection fee required by this subsection.

(2) To obtain a permit for a unit located outside the county, applicants shall provide, in addition to the items required above, the following to the Building Inspector:

- a. Photographs of the interior and exterior of the pre-owned manufactured home showing that the home meets the minimum health and safety standards of the current State Building Code and the HUD code, and
- b. A refundable cash deposit or a guarantee of condition bond to guarantee that the required affidavit and photographs reasonably portray or represent the existing condition of the pre-owned manufactured home proposed for relocation to the county.

(b) Minimum health and safety standards.

All pre-owned manufactured homes shall be in compliance with the current State Building Code, and the Federal Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401-5445 (the HUD Code) and shall not have been altered in such a way that the home no longer meets the HUD Code.

(c) Inspection.

Upon receipt of a permit, applicants may relocate the manufactured home on a residential site for the purposes of inspection. Once the installation of the manufactured home is complete, applicant shall contact the building inspector to arrange for an inspection. Installation includes the construction of a foundation system on which the manufactured home is placed, and the supporting, blocking, leveling, securing, and anchoring of such pre-owned manufactured home and connecting multiple or expandable sections of such unit.

(d) Fees.

(1) Permit and inspection fee.

- a. A permit and inspection fee shall be charged to cover the permit application processing and inspection of the pre-owned manufactured home. Such fee covers the initial inspection and one follow-up inspection of the pre-owned manufactured home.
- b. An additional fee shall be charged for each additional follow-up inspection that may be necessary.

(2) Pre-inspection fee.

- a. At the request of the applicant, the building inspector shall inspect a pre-owned manufactured home prior to its being relocated in the county regardless of whether the unit is located at another site in the county or in an adjoining county.
- b. If the pre-owned manufactured home is located in the county, there shall be, in addition to the permit and inspection fee, a pre-inspection fee.
- c. If the pre-owned manufactured home is located in an adjoining county, there shall be, in addition to the permit and inspection fee, a pre-inspection fee and mileage based on miles traveled outside the county at the IRS mileage reimbursement rate current at the time of inspection. The pre-inspection pertains only to the health and safety standards required by this section and the HUD Code, and does not pertain to the road worthiness of a pre-owned manufactured home that is to be relocated.

(e) Enforcement.

- (1) Permanent connection to utilities shall not be approved until the building inspector has issued a certificate of occupancy.
- (2) Owners of pre-owned manufactured home that are not in compliance upon a third inspection shall have their permit revoked and shall be required to remove the unit from the county at their own expense.
- (3) The cash deposit or guarantee of condition bond will be forfeited after 90 days from the date of inspection, unless all conditions and standards are met prior to the end of the 90 days or an extension has been issued in writing by the building inspector.

(f) Penalties.

Failure to remove a pre-owned manufactured home from the county upon failure to receive a certificate of occupancy shall be punishable by a fine not exceeding \$1,000.00. Each day any violation under this section continues shall be considered a separate offense.

Sec. 330. Outdoor Amphitheaters

See additional standards in Chapter 5, Article 5 (Outdoor Entertainment) of the Harris County Code of Ordinances; the Harris County Noise Ordinance and Outdoor Lighting Standards apply.

Sec. 331. Outdoor Lighting Standards.

331.01 Intent.

The intent of this Section is to limit the spillover of commercial or nonresidential lighting at or beyond a property line into property possessing a residential zoning district designation.

331.02 Applicability.

Unless otherwise provided in this Development Code, the requirements of this Section shall apply to commercial or non-residential development, including accessory uses, in all zoning districts. The requirements of this Section shall not apply to streetlights located within public rights-of-way.

331.03 Minimum Requirements.

Outdoor lighting, when applicable, shall be established for all commercial or non-residential development in accordance with the standards below.

(a) Sources of exterior illumination shall meet the following requirements:

- (1) Shall be directed away from all adjoining residential property and public roads;
- (2) Shall not exceed 1.2 footcandles in intensity along the property lines of any adjoining property of residential use when measured 36 to 48 inches above grade at any point along the common property line.
- (3) Shall not illuminate a public road, directly or indirectly, with a level of intensity that is deemed to be potentially hazardous to vehicular traffic by the Georgia Department of Transportation or by the Public Works Department.

(b) Fixtures.

- (1) Cut-off fixtures with shielding shall be used along all perimeters adjacent to or adjoining a residential zoning district or any residential development to minimize spillover of lighting, glare, light pollution and light trespass.
- (2) Lighting in excess of 2400 lumens will achieve a 'white light' color and includes metal halide, fluorescent, and induction light bulbs.

(c) Parking Areas.

Lighted parking areas in commercial or non-residential developments shall use cut-off fixtures with shielding that meet the requirements of subsection 331.03 above and shall provide reasonably uniform lighting across parking areas to minimize light/dark contrast.

Sec. 332. Outdoor Storage.

The outdoor storage of goods, material or merchandise not otherwise on display for customer selection or direct sale or lease to customers, where the use is otherwise permitted, is limited as follows in commercial and industrial zoning districts or developments:

- (a) Outdoor storage must be located in the rear yard and not abutting any residential district;
- (b) Outdoor storage must be located 50 feet from any property line and future right-of-way line; and
- (c) Screened from view by an opaque fence or freestanding wall no less than six feet in height and appropriately landscaped and maintained in accordance with buffer and landscaping requirements in Article 4.

Sec. 333. Outdoor Wedding Venues.

Outdoor wedding and reception venues, as defined in this Development Code, shall be subject to the following requirements:

- (a) Special use approval required. This use requires special approval in accordance with applicable procedures set forth in Article 11 (Procedures and Permits) of this Development Code.
- (b) The operation of outdoor wedding venues shall comply with the provisions of the Alcoholic Beverage Ordinance. An alcohol permit is required for the facility if alcohol is to be available, provided, or sold.
- (c) A special use permit for an outdoor wedding or reception venue shall allow catering to take place on-site without the need for rezoning.
- (d) Activities may include, but are not limited to, community or private parties, gatherings, or charity events; weddings, wedding receptions; showers; birthday parties, bar/bat mitzvah receptions; business functions; and other such parties, receptions or events.
- (e) For the purposes of public safety, such outdoor venues shall be located on a street that can adequately accommodate emergency and public safety access to the venue; written approval from the Public Works Department and Sheriff's Department is encouraged when applying for a special use permit.
- (f) Adequate on-site parking facilities shall be provided at the venue in accordance with provisions in Article 6.
- (g) Adequate permanent restroom facilities shall be provided. Permanent restroom facilities shall meet the minimum requirements of the Harris County Environmental Health Department and other applicable requirements of this Development Code.
- (h) Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected, and that no direct light is cast upon adjacent properties and roadways. Outdoor lighting shall comply with Section 331 of this Article.
- (i) The number of guests is subject to fire code limitations or additional restrictions.
- (j) If approved, this use may be subject to limitations on hours of operation and noise levels as determined in conditions of zoning approval by the Board of Commissioners.

- (k) Upon review of a special use application for an outdoor venue, the Board of Commissioners may apply additional restrictions on a case-by-case basis in the conditions of zoning approval.

Sec. 334. Recreational Fields and Youth Sport Team Fields.

- (a) A minimum 100-foot buffer shall be provided adjacent to residential zoning districts and/or A-1 zoning districts.
- (b) Loudspeakers/paging systems are prohibited adjacent to residentially used property, residential zoning districts, and A-1 zoning districts.
- (c) Outdoor lighting shall comply with restrictions set forth in Section 331 of this Article.
- (d) Permanent restroom facilities shall be provided.
- (e) Solid waste management shall comply with the Harris County Solid Waste Ordinance.

Sec. 335. Short Term Vacation Rentals.

335.01 Purpose.

The purpose of this section is to establish standards for the renting or leasing of a house, apartment, condominium, room, or similar dwelling unit, or portion thereof, to transient occupants on a short term basis as defined below. These standards seek to minimize adverse effects of short term rental uses on surrounding residential neighborhoods and preserve the character of neighborhoods in which short term rentals occur.

Renting or leasing, as used herein, means the payment of compensation, money, rent, or other bargained for consideration in exchange for occupancy, possession or use of the property. This section is not intended to regulate hotels, motels, inns, bed and breakfasts, or non-vacation type rental arrangements including, but not limited to, rooming and boarding houses, lodging houses, or similar lodging accommodations.

335.02 Standards.

- (a) The term of occupancy, possession, or tenancy shall be no less than 1 day and no more than 30 consecutive calendar days.
- (b) Use is restricted to housing. The operation of or conducting of any other business activity is expressly prohibited
- (c) A primary structure or accessory dwelling unit used as a short term vacation rental unit must comply with all applicable building and development codes and meet the requirements of this section.
- (d) Short term vacation rentals shall be residential in appearance.
- (e) All parking for short term rentals shall be accommodated on the same lot as the short term rental unit.
- (f) A short term rental may only be offered in a space intended for human habitation. For example, a property owner may not rent a space in an accessory structure that is a storage shed or garage.
- (g) Outdoor lighting on the structure or unit shall not illuminate adjacent residential property in accordance with outdoor lighting standards in Section 331.

- (h) The property shall not contain signage advertising the short term rental unit.
- (i) Compliance with these standards shall be in addition to compliance with all other provisions of this Development Code relating to nuisance, peace and safety.
- (j) The property owner shall be responsible for setting and enforcing occupancy requirements.
- (k) A local contact for the property is required and contact information shall be provided to the Community Development Department.

Sec. 336. Solar Collection Systems.

Solar collection systems shall be considered an accessory use where allowed, in accordance with Table 2-2 in Article 2 (Use of Land and Structures) and shall meet the following requirements:

- (a) Special use approval required. This use requires special approval in accordance with applicable procedures set forth in Article 11 (Procedures and Permits) of this Development Code.
- (b) Minimum Standards.
 - (1) Minimum lot size required to install solar collection systems (i.e., solar farms) shall be 50 acres. This does not apply to individual roof-mounted solar panels.
 - (2) A solar panel site located in a resort zoning district, and not on an individual residential property within the district, shall require the submittal of an addendum to the resort master plan for review and approval by the Planning Commission and Board of Commissioners.
 - (3) Freestanding solar panels located on the ground or attached to a framework located on the ground shall not exceed 20 feet in height above the ground.
 - (4) Freestanding solar panels shall meet the required setback for principal structures in the district in which they are located.
 - (5) The total coverage of a lot with freestanding solar panels shall not exceed 50% of the total lot coverage or the maximum allowable coverage for the district in which they are located, whichever is greater.
 - (6) A 50-foot undisturbed, vegetative buffer is required along the perimeter of the installation area where the solar panels are located and must provide sufficient screening from adjacent properties and/or the public right-of-way. The buffer shall be installed so that it remains opaque at all times (i.e., evergreen species).
- (c) Roof-mounted solar panels.
 - (1) Roof-mounted solar panels installed on a building or structure with a sloped roof shall not exceed the height requirements for the district in which they are located.
 - (2) Systems located on the roof shall provide, as part of their permit application, evidence of design review and structural certification if the slope of the panel differs from the roof pitch. All panels on commercial roofs shall provide this information regardless of slopes, as well as any residential roof with greater than 50% coverage.
- (d) A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials.

- (e) The identification of the manufacturer(s) or installer and appropriate warning signage shall be posted on or near the panels in a clearly visible manner.
- (f) No solar energy system shall be installed until evidence has been presented to the Community Development Department that the electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- (g) Decommissioning Requirements:

The following requirements shall be met for decommissioning solar collection systems:

 - (1) Freestanding solar collection systems that have not been active and in continuous service for a period of one year shall be removed at the expense of the owner or operator.
 - (2) The site shall be restored to as natural condition as possible within six months of the removal.
- (h) Permitting Requirements:

The following requirements shall be met for building/development permit applications for a solar collection system:

 - (1) A descriptive plot plan including setbacks, panel sizes, locations of property lines, buildings, and road rights-of-ways for freestanding solar panels.
 - (2) A map and list indicating the location of existing solar collection facilities or substations within a 2-mile radius
 - (3) Any other relevant studies, reports, certificates and approvals as may be reasonably requested by the Community Development Department, including, but not limited to, design review.
 - (4) Any panels installed to be used by someone other than the owner of the property shall provide an affidavit or evidence of agreement between the lot owner and facility's owner or operator confirming the facility owner or operator has permission of the property owner to install and utilize solar panels.
 - (5) Any additional documents needed to indicate compliance with the standards set forth in this Section or as required by the Community Development Department.
 - (6) Fees shall be submitted to the Community Development Department according to the fee schedule approved by the Board of Commissioners.
- (i) Reclamation Bond.
 - (1) A reclamation bond shall be posted by the property owner to ensure that the County has sufficient funds to reclaim the site in the case the permittee fails to complete the approved reclamation plan.
 - (2) The bond shall meet requirements set forth by the Community Development Department.
 - (3) Prior to acceptance, any surety shall be approved by the Board of Commissioners.

Sec. 337. Special Event Facilities.

Structures or spaces being leased to the public for receptions, weddings, events, or similar functions, are subject to the following minimum requirements:

- (a) Special use approval required. This use requires special approval in accordance with applicable procedures set forth in Article 11 (Procedures and Permits) of this Development Code.
- (b) A special event facility may include, but is not limited to, event facilities, banquet and reception halls, conference centers, or similar facilities which have received special use approval for a special events facility.
- (c) The operation of special event facilities shall comply with the provisions of the Alcoholic Beverage Ordinance. An alcohol permit is required for the facility if alcohol is to be available, provided, or sold.
- (d) A special use permit for a special event facility shall allow catering to take place on-site without the need for rezoning.
- (e) Activities may include, but are not limited to, community or private parties, gatherings, or charity events; weddings, wedding receptions; showers; birthday parties, bar/bat mitzvah receptions; business functions; and other such parties, receptions or events.
- (f) A special event facility shall not be established as a restaurant unless all other requirements of this Development Code applicable to a restaurant are met.
- (g) The seating capacity of a special event facility shall accommodate at least 50 people.
- (h) For the purposes of public safety, such facilities shall be located on a street that can adequately accommodate emergency and public safety access to the venue; written approval from the Public Works Department and Sheriff's Department is encouraged when applying for a special use permit.
- (i) Adequate on-site parking facilities shall be provided at the venue in accordance with provisions in Article 6.
- (j) Adequate permanent restroom facilities shall be provided. Permanent restroom facilities shall meet the minimum requirements of the Harris County Environmental Health Department and other applicable requirements of this Development Code.
- (k) Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected, and that no direct light is cast upon adjacent properties and roadways. Outdoor lighting shall comply with Section 331 of this Article.
- (l) The number of guests is subject to fire code limitations or additional restrictions.
- (m) If approved, this use may be subject to limitations on hours of operation and noise levels as determined in conditions of zoning approval by the Board of Commissioners.
- (n) Upon review of a special use application for a special event facility, the Board of Commissioners may apply additional restrictions on a case-by-case basis in the conditions of zoning approval.

Sec. 338. Standards for Multi-Family Dwellings.

338.01 Condominium and Townhouse Development.

The following regulations shall apply to all condominium and townhouse development:

- (a) Each unit shall be independently served by separate utilities and services and, if multistoried, shall be served by interior stairways.
- (b) Accessory structures shall be located in the rear yard only.
- (c) No vehicular entrance or curb cut shall be permitted to the front of any individual townhouse or condominium unit.
- (d) The applicant shall submit a site plan, front elevation and typical floor plan of the proposed units.
- (e) A permit for the construction of condominium or townhouse development shall be issued in accordance with the regulations set forth after evidence has been presented in the form of proposed deed covenants and restrictions requiring the maintenance of jointly owned areas.

338.02 Live-Work Units.

The following regulations shall apply to all live-work units as defined in Article 13 of this Development Code:

- (a) Special use permit required.
Live-work units are only permitted as indicated in Table 2-1 of Article 2 of this Development Code.
- (b) District Regulations.
The district regulations for the zoning district in which the unit is located shall apply.
- (c) Occupancy Limit.
 - (1) Only those persons living in the residential area of the unit shall be engaged in the occupation within the work area;
 - (2) The residential area shall not be operated as a rooming/boarding house.
- (d) Use Restrictions.
Sales representatives and/or customers are not permitted in the residential area.
- (e) Floor Area.
 - (1) Minimum of 1,000 square feet;
 - (2) Work area shall be no smaller than 150 square feet and no larger than 40% of the total floor space in the unit.
- (f) Connection of Areas. There shall be a physical connection between the work area and the residential area.
- (g) Location of Residential Area. Residential area shall be above the first-floor work area and not on the main/ground/street level unless the unit is properly designed to ensure residential area privacy.

Sec. 339. Standards for Non-Residential Uses.

Standards for non-residential uses shall apply to commercial and industrial uses and developments in the county.

- (a) Non-residential uses (excluding agricultural uses) and developments shall provide buffers and landscape strips in accordance with the requirements set forth in Article 4 (Lot and Building Standards) of this Development Code.
- (b) Off-street parking and loading areas shall meet applicable standards set forth in Article 6 (Parking and Loading Requirements of this Development Code.
- (c) Outdoor Lighting standards provided in Section 331 of this Article shall apply to manufacturing, wholesaling, warehousing, and similar developments.
- (d) Outdoor Storage standards provided in Section 332 of this Article shall apply to manufacturing, wholesaling, warehousing, and similar developments.

Sec. 340. Storage of Certain Vehicles and Equipment.

- (a) The storage of certain vehicles and equipment is prohibited in residential districts for time periods in excess of 72 hours unless such vehicles and equipment are stored in a carport, enclosed building, or behind a building or structure which screens it from the street. This pertains to certain vehicles and equipment defined as:
 - (1) 1 automobile without current license plate;
 - (2) Camping or travel trailers;
 - (3) Recreational vehicles; and
 - (4) Boats and boat motors
- (b) The storage or parking of any truck with 3 or more axles in a residential district is prohibited.
- (c) It shall be unlawful for any person to park or leave unattended any vehicle upon the right-of-way of any public road on the county highway system for more than 96 hours.

Sec. 341. Telecommunications Antennas and Towers.

341.01 Purposes.

This ordinance is designed and intended to balance the interests of the residents of Harris County, telecommunications providers, and telecommunications customers in the siting of telecommunications facilities within unincorporated Harris County so as to protect the health, safety, and integrity of residential neighborhoods; and to foster, through appropriate zoning and land use controls, a competitive environment for telecommunications carriers that does not unreasonably discriminate among providers of functionally equivalent personal wireless services. This ordinance shall not prohibit, or have the effect of prohibiting, the provision of personal wireless services.

This ordinance is intended to promote Harris County as a proactive county in the availability of personal wireless telecommunications service. To that end, this ordinance shall:

- (a) Provide for the appropriate location and development of telecommunications facilities within unincorporated Harris County;
- (b) Protect Harris County's built and natural environment by promoting compatible design standards for telecommunications facilities;
- (c) Minimize adverse visual impacts of telecommunications facilities through careful design, siting, landscape screening and innovative camouflaging techniques;

- (d) Avoid potential damage to adjacent properties from tower or antennas failure through engineering and careful siting of telecommunications tower structures and antennas;
- (e) Maximize use of any new and existing telecommunications towers through colocation so as to minimize the need to construct new towers and minimize the total number of towers throughout the county;
- (f) Maximize and encourage use of alternate telecommunication tower structures as a primary option rather than construction of additional single-use towers; and
- (g) Encourage and promote the location of new telecommunications activities in areas which are not zoned for residential use.

341.02 Applicability.

- (a) District Height Limitations.
 - (1) The requirements set forth in this Section 341 shall govern the location of towers that exceed, and antennas that are installed at a height in excess of, the height limitations specified for each zoning district.
 - (2) The height limitations applicable to buildings and structures shall not apply to towers and antennas, except as provided herein.
- (b) Public Property.

Antennas or towers located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this Section 341, provided a license or lease authorizing such antenna or tower has been approved by the governing authority.
- (c) Amateur Radio, Receive-Only Antennas.

Section 341 shall not govern any tower, or the installation of any antenna, that is less than 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.
- (d) Pre-Existing Towers and Antennas.

Any tower or antenna for which a permit has been properly issued prior to the effective date of this Section 341 shall not be required to meet the requirements of this Section 339, other than the requirements of Section 341.04(d) and Section 341.04(e). Any such towers or antennas shall be referred to in this Development Code as "preexisting towers" or "preexisting antennas".

341.03 Permitted Uses.

- (a) General.

The uses listed in this Section are deemed to be permitted uses and shall not require a special use permit but shall require application and administrative review as provided for in this Section 341.03. Nevertheless, all such uses shall comply with the Applicability subsection of this Section 341 and all other applicable regulations in this Development Code.
- (b) Specified Permitted Uses.

The following uses are specifically permitted:

- (1) In commercial zoning districts (C-1, C-3 and C-4), locating a tower up to a height of 50 feet (or 80 feet if designed and intended to accommodate at least 2 users), or an antenna, including the placement of additional buildings or other supporting equipment used in connection with the tower or antenna shall be allowed as a use by right; provided, however, that such tower shall be set back from any existing residential property line and/or public right-of-way a distance equal to the height of the tower plus the required setback for the applicable zoning district.
- (c) In industrial zoning districts (M-1 and M-2), locating a tower up to a height of 80 feet (or 100 feet if designed and intended to accommodate at least 2 users), or an antenna, including the placement of additional buildings or other supporting equipment used in connection with the tower or antenna shall be allowed as a use by right; provided, however, that such tower shall be set back from any existing residential property line and/or public right-of-way a distance equal to the height of the tower plus the required setback for the applicable zoning district.
- (d) Installing an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower, or other free-standing nonresidential structure) so long as said additional antenna adds no more than 20 feet to the height of said existing structure. For antennas attached to the roof or a supporting structure on a rooftop, a 1:1 setback ratio (example: 10 foot high antenna and supporting structures requires a 10 foot setback from edge of roof) shall be maintained unless an alternative placement is shown to reduce visual impact; provided, however, the height limitation for the zoning district is not exceeded.
- (e) Installing an antenna on any existing tower of any height, so long as the addition of said antenna adds no more than 20 feet to the height of said existing tower and said existing tower is not a preexisting tower; provided, however, that such specific permitted use shall not include the placement of additional buildings or other supporting equipment used in connection with said antenna.

341.04 Standards Applicable to All Towers and Antennas.

No tower or antenna shall be located in Harris County except as set forth in this Section 341. The following standards shall apply to all towers and antennas, unless the Board of Commissioners reduces the standards as a condition of zoning approval if the goals of this Section 341 would be better served thereby:

- (a) Principal or Accessory Use.
 - (1) Antennas and towers may be considered either principal or accessory uses.
 - (2) A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
 - (3) For the purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to set-back requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots.
 - (4) Towers that are constructed and antennas that are installed in accordance with the provisions of this Section 341 shall not be deemed to constitute the expansion of a non-conforming use or structure.
- (b) Inventory of Existing Sites.

Each applicant for an antenna and/or tower shall provide to the Community Development Department an inventory of its existing towers that are either within the geographic area of Harris County or within ½ mile of the border thereof, including specific information about the location, height, and design of each tower.

(c) Aesthetics; Lighting.

The guidelines set forth in this paragraph shall govern the location of all towers, and the installation of all antennas, governed by this Sec; provided, however, that the governing authority may waive these requirements if it determines that the goals of this section are better served thereby. The determination whether a proposed tower or antenna meets these requirements shall be within the discretion of the Board of Commissioners. This list is not an exclusive list of the aesthetic issues the governing authority may consider; these are merely guidelines. The governing authority may consider any factor that serves the goals and purposes of this section.

- (1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.
- (2) At a tower site, the design of the buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
- (3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (4) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. No advertising or signage is permitted on telecommunications facilities.

(d) Federal Requirements.

- (1) All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas.
- (2) If such standards and regulations are changed, then the owners of the towers and antennas governed by this Section 341 shall bring such towers and antennas into compliance with such revised standards and regulations within 6 months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency.
- (3) Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense. Any such removal by the governing authority shall be in the manner provided in O.C.G.A. §41-2-7 through 41-2-17.

(e) Building Codes; Safety Standards.

- (1) To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards for towers that are published by the Electronic Industries Association, as amended from time to time.
 - (2) If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards.
 - (3) If the owner fails to bring such tower into compliance within said 30 days, the governing authority may remove such tower at the owner's expense. Any such removal by the governing authority shall be in the manner provided in O.C.G.A. §41-2-7 through 41-2-17.
- (f) Site location and development shall preserve the preexisting character of the surrounding buildings and land uses and the zoning district as much as possible. Personal wireless telecommunications towers shall be integrated through location and design to blend in with existing characteristics of the site to the extent practical.
 - (g) Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.
 - (h) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower and related facilities to the natural setting and built environment.
 - (i) Placement of more than one tower on a lot shall be permitted, provided all set-back, design, and landscape requirements are met as to each tower. Structures may be located as close to each other as technically feasible, provided tower failure characteristics of the towers on the site will not lead to multiple failures in the event that one fails.
 - (j) Towers must be set back a distance equal to the height of the tower from any residential property line and all public rights-of-way, plus any other applicable set-back requirements for the zoning district encompassing the proposed tower.
 - (k) Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements for front, side, and rear yards. In no case shall a tower be located in the required front yard, back yard, or side yard setback in a residential district.
 - (l) Towers shall not be sited where they will negatively affect historic or scenic view corridors as designated by the governing authority or any state or federal law or agency or where they will create visual clutter.
 - (m) Towers shall be enclosed by decay-resistant security fencing installed along the perimeter of the compound not less than 6 feet in height and shall be equipped with an appropriate anti-climbing device or other similar protective device designed to prevent tower access.
 - (n) The following requirements shall govern the landscaping surrounding towers.
 - (1) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent properties. The standard buffer shall consist of a landscaped strip at least 10 feet wide outside the required fence.

- (2) In locations where the visual impact of the tower would be minimal, as determined by the Community Development Department, the landscaping requirement may be reduced or waived altogether.
- (3) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may provide an adequate buffer at the discretion of the Community Development Department.
- (o) Any tower proposed at a height greater than 100 feet, up to 120 feet shall be designed and intended to accommodate at least 3 users. Furthermore, for every additional 20 feet of height, said tower shall be designed to accommodate an additional user.

341.05 Availability of Suitable Existing Towers or Other Structures.

- (a) No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
 - (1) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
 - (2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - (3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing tower or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - (5) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - (6) Applicants and owners shall allow other future personal wireless service companies, including public and quasi-public agencies, using functionally equivalent personal wireless technology to co-locate antennas, equipment and facilities on a telecommunications facility unless specific technical constraints or applicable law prohibit said co-location. Applicant and other personal wireless carriers shall provide a mechanism for the construction and maintenance of shared facilities and infrastructure and shall provide for equitable sharing of costs in accordance with industry standards.

341.06 Removal of Abandoned Antennas and Towers.

- (a) Any antenna or tower that is not operated for a continuous period of 36 months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the governing authority notifying the owner of such abandonment.
- (b) If such antenna or tower is not removed within said 90 days, the governing authority may, in the manner provided in O.C.G.A. §41-2-7 through 41-2-17, remove such antenna or tower at the owner's expense.

- (c) If there are 2 or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

341.07 Application Procedures for All Towers and Antennas.

The following must be provided when applying for a permit for a telecommunications facility:

- (a) Site plan, prepared and sealed by an appropriate licensing professional, to scale specifying the location of the telecommunications facilities, height of facilities, set-backs, transmission building and/or other accessory uses, access, parking, fences, landscape plan, and adjacent land uses.
- (b) A full description of the environment surrounding the proposed telecommunications facility, including any adjacent residential structures and districts, structures and sites of historic significance, or scenic view corridors.
- (c) A description of anticipated maintenance needs for the telecommunications facility, including frequency of service, personnel needs, equipment needs, and traffic, noise, or safety impacts of such maintenance.
- (d) Report from a qualified, independent engineer licensed in the State of Georgia, documenting the following:
 - (1) Telecommunications facility height and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design;
 - (2) Total anticipated capacity of the telecommunications facility; including number and types of antennas which can be accommodated;
 - (3) Evidence of structural integrity of the tower structure; and
 - (4) Structural failure characteristics of the telecommunications facility and demonstration that site and setbacks are of adequate size to contain debris should a failure occur.
 - (5) A definition of the area of service to be served by the antenna or tower and whether such antenna or tower is needed for coverage or capacity.
 - (6) Information showing the proposed facility would provide the needed coverage or capacity, and that they cannot provide personal wireless communication service without the use of the proposed tower or antennas.
 - (7) The identity of a community liaison officer appointed by the applicant to resolve issues of concern to neighbors and residents relating to the construction and operation of the facility. Include name, address, telephone number, facsimile number, and electronic mail address and pager number, if applicable.
 - (8) Identification of the geographic service area for the subject installation, including:
 - a. A map showing the site and the nearest or associated telecommunications facility sites within the network;
 - b. A description of the distance between existing or proposed telecommunications facility sites; and
 - c. A description of how this service area fits into and is necessary for the service network.
 - (9) Provide information to justify why co-location on an existing tower is not being proposed.

- (10) If the proposed site is zoned residential applicants must justify why alternative non-residential sites have not been proposed.
- (e) Each application shall include a 5-year facilities plan and site inventory including the following:
 - (1) A list of all existing, to be upgraded or replaced, and proposed telecommunications facility sites within Harris County and a map showing these sites. The list must include:
 - a. Street address, land lot, section, district, and parcel number;
 - b. Zoning district;
 - c. Type of building and number of stories;
 - d. The number of antennas and base transceiver stations per site and the location and type of antenna installation (stand alone, rooftop, building facade, etc.), and location of the base transceiver station installation(s);
 - e. The height from ground to the top of the antenna installation; and
 - f. The radio frequency range in megahertz, the wattage output of the equipment and effective radiated power.
 - (2) Furthermore, after a tower structure has been approved, the applicant must submit a permit renewal application, which reports the status on the use of said tower, annually to the Community Development Department for administrative approval.
 - (3) If the applicant does not know specific future tower and antenna site locations but does know of areas where telecommunications facilities will be needed within the next 5 years to provide service, the applicant shall list the land lots contained within the anticipated geographic service area and identify each geographic service area with a number that will correspond to the future telecommunication facility site.
- (f) A copy of the license and supporting documentation (i.e. reports) from the Federal Communication Commission and a written statement from the Federal Aviation Agency and any appropriate state review authority (i.e. State Historic Preservation Officer-SHPO, etc.) stating that the proposed telecommunications facility complies with regulations administered by that agency or that the tower is exempt from those regulations.
- (g) The applicant shall provide a list of all residences and businesses within the proposed coverage area.
- (h) The applicant shall provide any other information requested by the Community Development Department in order to fully evaluate the potential impact of the proposed facility.
- (i) The applicant shall pay all applicable fees as set out in the Schedule Fees for the Community Development Department.

341.08 Administrative Approvals.

- (a) General.
 - (1) The Community Development Department may administratively approve the permitted uses listed in this Article.
 - (2) Each applicant for administrative approval shall apply to the Community Development Department, providing the information set forth in Sections 341.04 and 341.07 of this Section. The applicant shall provide to the Community Development Department all

information and supplementary materials that the Department requests in consideration of the requested administrative approval.

(b) Specific Administratively Approved Uses.

The following may be approved by the Community Development Department after conducting an administrative review:

- (1) Installing an antenna on an existing tower of any height, including a preexisting tower and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than 20 feet to the height of said existing tower; provided the requirements and intent of this Section 341 are met.
- (2) In commercial zoning districts (C-1, C-3 or C-4), locating a tower up to a height of 175 feet (or 195 feet if designed and intended to accommodate at least 3 users), or an antenna, including the placement of additional buildings or other supporting equipment used in connection with the tower or antenna; provided, however, that such tower shall be setback from any existing residential property line and/or public right-of-way a distance equal to the height of the tower plus the required setback for the applicable zoning district, and provided that the requirements and intent of this Section 341 are met.
- (3) In industrial zoning districts (M-1 or M-2), locating a tower up to a height of 175 feet (or 195 feet if designed and intended to accommodate at least 2 users), or an antenna, including the placement of additional buildings or other supporting equipment used in connection with the tower or antenna; provided, however, that such tower shall be set back from any existing residential property line and/or public right-of-way a distance equal to the height of the tower plus the required setback for the applicable zoning district, and provided that the requirements and intent of this Section 341 are met.

(c) Appeals.

If an administrative approval is denied, the applicant may appeal said denial to the Board of Commissioners.

341.09 Special Use Permits.

(a) General.

The following provisions shall govern the issuance of special use permits:

- (1) If the tower or antenna is not a permitted use under the Permitted Uses subsection of this Section 341 or permitted to be approved administratively pursuant to the Administrative Approvals subsection of this Section 341, then a special use permit shall be required for construction of a tower or the placement of an antenna in all zoning districts A-1, R-2, R-3, CORD, PRD, PCD, and PMD.
- (2) The construction of a tower or placement of an antenna is specifically excluded from and is prohibited in R-1, R-R, MHU-1 and MHU-2 zoning districts.
- (3) In granting a special use permit, the governing authority may impose conditions to the extent the governing authority concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

- (4) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.
- (5) Information Required. Each applicant requesting a special use permit under this Ordinance shall comply with the requirements of Sections 341.04 and 341.07 and other applicable provisions of this Section 341. In addition, the site plan shall also include:
 - a. A scaled elevation view; and
 - b. Supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, and other information deemed by the governing authority to be necessary to assess compliance with this Section 341.
- (6) Factors Considered in Granting Special Use Permits.

The governing authority shall consider the following factors in determining whether to issue a special use permit, although the governing authority may waive, reduce, or increase the burden on the applicant of one or more of these criteria if the governing authority concludes that the goals of this Section 341 are better served thereby:

- a. Height of the proposed tower;
- b. Proximity of the tower to residential structures and residential district boundaries;
- c. Nature of uses on adjacent and nearby properties;
- d. Surrounding topography;
- e. Surrounding tree coverage and foliage;
- f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- g. Proposed ingress and egress;
- h. Availability of suitable existing towers, other structures, and alternative sites as discussed in Sections 341.07(e) and 341.05 of this Ordinance; and
- i. Any other factors, limitations, or standards listed in this Ordinance.

341.10 Written Decisions.

- (a) Any decisions by the Community Development Department denying a request to place, construct, or modify a telecommunications facility shall be in writing and supported by substantial evidence in a written record.
- (b) Any decision by the Board of Commissioners denying or approving a request to place, construct, or modify a telecommunications facility shall be in writing and supported by substantial evidence in a written record.

341.11 Penalties and Violation.

- (a) Any person who erects or attempts to erect a telecommunications facility covered by this Section 341 without having first obtained the necessary building permit, use by right, or special use permit, in the manner provided herein shall be deemed in violation of this Development Code. Any responsible party or other persons convicted by a court of competent jurisdiction of violating any provision of this Section 341 shall be guilty of violating a duly adopted Ordinance of the County and shall be punished either by a fine not to exceed \$1,000.00 or by imprisonment not to exceed 60 days or both.

- (b) If any structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained in violation of this Section 341 or without obtaining required permits, or if any building, structure or land is used in violation of this Section 341, the County, in addition to any other remedies, may institute proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violations. Each and every day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues may be deemed a separate offense.

Sec. 342. Temporary Buildings and Residences.

342.01 Temporary Buildings

- (a) Temporary buildings, excluding temporary residences, used in conjunction with construction work may only be permitted 30 days prior to the construction work.
- (b) Such temporary buildings shall be removed no later than 15 days upon completion of the construction work.

342.02 Temporary Residences.

- (a) Temporary residences refer to a recreational vehicle (RV) or camper that is being utilized as a residence on the same lot as the primary permanent residence during the construction or renovation of the primary permanent residence.
- (b) The homeowner or property owner must obtain a temporary building permit from the Department of Community Development.
- (c) A temporary residence, as defined above, may be permitted for up to 90 days.
- (d) Manufactured homes may be permitted in any zoning district if a natural disaster has occurred. This use is permitted for only 30 days and then shall require the additional approval for a time extension of 30 days from the zoning board of adjustments.

Sec. 343. Temporary Special Events.

Temporary Special Events, when allowed, shall meet the following requirements:

- (a) Shall comply with applicable regulations set forth in Chapter 6, Article 3 (Alcoholic Beverages) of the Code of Ordinances, if alcohol is to be available or sold;
- (b) Shall be associated with and shall be to benefit the cause of a charitable or civic organization held out to the public by a bona-fide non-profit organization as defined by sections 501(c)(3), 501(d), or 501(e) of the Internal Revenue Code;
- (c) Shall provide temporary or permanent restroom facilities;
- (d) Shall not exceed 2 days in duration; and
- (e) Shall not occur on a Sunday if alcohol is being served.

Sec. 344. Temporary Uses and Events.

344.01 Agritourism Uses.

- (a) For uses related to agritourism including, but not limited to corn maze, farm dinner, educational farm tour, agricultural/educational festival, etc., see under Agritourism Uses in this Article 3.
- (b) Agritourism-related uses may also include other temporary uses and events listed in this section 344.

344.02 Outdoor Markets.

- (a) Farmer's market.
 - (1) See section 318.
- (b) Produce stand.
 - (1) The produce stand structure shall not exceed 500 square feet.
- (c) Open Air Flea Markets.
 - (1) Open air flea markets (permanent or temporary) where the retail sale or exchange of new, handcrafted, or second-hand merchandise is conducted by a single sponsor are prohibited.

344.03 Outdoor Vendors.

- (a) Shall be permitted outside of commercial retail establishments in any zoning district in accordance with the requirements herein.
- (b) The retail establishment shall provide a letter of support or acknowledgement from the property owner to the Community Development Department prior to hosting an outdoor vendor.
- (c) Shall not be located in a required parking area.
- (d) Shall be limited to 2 times per year per establishment.

344.04 Retail Sales of Seasonal Items.

Retail sales of seasonal items may include, but is not limited to, a pumpkin patch, selling pumpkins, gourds and other Halloween or fall items and Christmas trees.

- (a) Retail sales of seasonal items are allowed in commercial and A-1 zoning districts on the same lot between October 1 and December 31.
 - (1) Pumpkin Patch
 - (2) Christmas Tree Farm
 - (3) Christmas Tree Sales
- (b) In A-1, minimum property size for retail sales of seasonal items shall be 5 acres unless special use approval is secured for such on a smaller lot.
- (c) Retail sales of seasonal items may be included in agritourism uses in accordance with Sec. 309.

344.05 Yard and Garage Sales.

- (a) Yard and garage sales shall be allowed within any agricultural or residential zoning district as an accessory use. It shall not be the intention of this Development Code to prohibit the occasional sale of personal belongings on one's property, subject to the following: Each yard sale shall be limited to a 3-day period.
- (b) Yard sales shall not occur on a property more often than 4 times each calendar year.
- (c) It shall be a violation to sell merchandise in a yard sale or offer merchandise for sale or to display merchandise in any yard, carport, garage or house that is not the personal property of the occupants of the property.
- (d) This Section shall not regulate the private sale of major possessions such as homes and personal autos.

Sec. 345. Timber Harvesting.

345.01 Notices, Bonds, Road Damage and Penalties.

- (a) All persons or firms harvesting standing timber in any unincorporated area of Harris County for delivery as pulpwood, logs, poles, posts, or wood chips to any woodyard or processing plant located inside or outside the state of Georgia shall provide notice of such harvesting to the Public Works Department prior to entering onto the property if possible, but in no event later than 24 hours after entering onto the property. Further, such persons shall give notice of cessation of cutting within 24 hours after the job is completed.
- (b) The notice of harvesting operations required by this section shall be provided for each separate tract to be harvested. Such notice shall be made in such form as prescribed by rule or regulation of the Director of the Georgia Forestry Commission, and shall include the following information:
 - (1) A map of the area which identifies the location of the tract to be harvested and, as to those trucks which will be traveling to and from such tract for purposes of picking up and hauling loads of cut forest products, the main point of ingress to such tract from a public road, and, if different, the main point of egress from such tract to a public road. If multiple points of ingress and/or egress will be used, all such points shall be identified;
 - (2) A statement as to whether the timber will be removed pursuant to a lump sum sale, per unit sale, or owner harvest for purposes of ad valorem taxation under O.C.G.A. § 48-5-7.5;
 - (3) The name, address, and daytime telephone number of the timber seller if the harvest is pursuant to a lump sum or per unit sale or of the timber owner if the harvest is an owner harvest; and
 - (4) The name, business address, business telephone number, and nighttime or emergency telephone number of the person or firm harvesting such timber.
- (c) Subject to the provisions of subsection (e) of this section, the notice required by this section may be submitted in person, by transmission of an electronic record via telefacsimile or e-mail, or by mail.
- (d) Subject to the provisions of subsection (e) of this section, upon notification published by the Director of the Georgia Forestry Commission that a statewide notification website or platform is available for public use, persons or firms wishing to utilize said website or

platform to provide the notification required by this section may do so at their option, and Harris County will accept notifications submitted in this manner.

- (e) On and after a date specified and published by the Director of the Georgia Forestry Commission, use of the statewide notification website or platform shall be mandatory and shall be the sole means of providing the notice required by this section; on and after said date submission of the notice by any of the means listed in subsection (c) above shall cease and will no longer be deemed acceptable or in compliance with this section.
- (f) The notice required by this section shall not be or remain effective unless and until the person or firm providing such notice has delivered to Harris County, or its designated agent, a valid surety bond, executed by a surety corporation authorized to transact business in the State of Georgia, protecting Harris County against any damage caused by such person or firm in the amount of \$5,000.00; provided, however, that at the option of the person or firm harvesting timber a valid irrevocable letter of credit by a bank or savings and loan association, as defined in O.C.G.A. § 7-1-4, in the amount of \$5,000.00 may be provided in lieu of a surety bond. Such bonds or letters of credit shall be subject to the conditions set forth in subsections (g) and (h) of this section. No more than one bond or letter of credit shall be required from each person or firm harvesting timber, regardless of the number of tracts harvested in the county for so long as the bond or letter of credit remains in effect. The bond or letter of credit required herein shall be valid only for the calendar year in which it was delivered.
- (g) The bond or letter of credit required by subsection (f) of this section shall protect Harris County against any damage requiring re-ditching or repair of existing dirt structures or the removal of any harvesting residue, including tree tops, debris, logs, pulpwood and other materials, placed in or around the county's rights-of-way caused by such person or firm rendering the bond or letter of credit. The proceeds of such bond or letter of credit shall be available to reimburse the county for any cost incurred to repair such damages or remove such debris in or around the county's rights-of-way. The proceeds of such bond or letter of credit shall also be available to reimburse the county for any costs incurred to maintain or repair county roads damaged by the ingress or egress of motor vehicles engaged in the harvest operations located within 500 feet of any point of ingress or egress of the timber harvesting operation. The right of Harris County to call such bond or letter of credit in accordance with the provisions of subsection (h) of this section shall be in addition to any other remedies available to the county at law or in equity for damage to county roads or rights-of-way.
- (h) When damage results from a person or firm's harvesting activities, the County shall make and provide a written claim to the person or firm causing the damage within 30 business days after the county becomes aware of the damage. Such claim may be given in person, by telefacsimile, email or mail. The claim shall describe the damage in detail and, in compliance with subsection (i)(1) of this section, give the person or firm the opportunity to repair such damage within 30 days of the notification; provided, however, the county shall be authorized to repair the damage immediately if the county or its designee determines the conditions present a threat to public safety, health or welfare and, upon making such repairs, shall present to the person or firm and the issuer of the applicable bond or letter of credit an itemized list of expenses incurred as a claim against the responsible party and the issuer of its bond or letter of credit. Upon the issuance of a claim as provided in this section the county or its designee shall notify the issuer of the bond or letter of credit that

a claim has been made and will be resolved or adjudicated according to the terms of this section.

- (i) Within 30 days of receipt of the written claim described in subsection (h), the person or firm against whom the claim is submitted may:
 - (1) Repair such damage at his or its own expense with the approval and supervision of the County or its designee. When repairs are completed to the satisfaction of the governing authority or its designee, the governing authority or its designee shall provide a written notification of satisfactory completion with[in] five business days to the responsible person or firm and to the surety [issuing] the bond or the bank issuing the letter of credit, thereby terminating the claim.
 - (2) In the event of inclement weather or other factors preventing repair of the damage, request a 30 day extension to repair the damage from the County, provided that no extension shall exceed 90 days from the date the claim was tendered. Approval of any extension shall be at the discretion of the County or its designee.
 - (3) Appeal the claim to the Magistrate Court of Harris County. Any such appeal must name the issuer of the bond or letter of credit as a party, who shall be served with all pleadings in the action and shall have the right to appear. The magistrate court will hear evidence and arguments within 30 days of the written appeal and issue a ruling within ten days of such hearing. Any such appeal shall toll the 30 day period, or any extension thereof, required by subsection (h) of this section. If the magistrate court rules in favor of the person or firm against whom the claim was made, the county shall have no right to recover any proceeds of the bond or letter of credit, and judgment shall be entered against the county. If the magistrate court rules in favor of the county, the court shall determine the amount of damages to which the county is entitled to recover and enter judgment accordingly; the County shall be authorized to call the bond or letter of credit and recover from the proceeds thereof an amount equal to the judgment entered by the court, up to the total amount of the bond or letter of credit. The portion of any judgment entered in favor of the county that exceeds the amount of the bond or letter of credit shall be subject to collection by any additional remedies at law or equity.
 - (4) In the event the person or firm against whom the claim has been submitted fails to take any of the actions allowed under subsections (1), (2) or (3) of this section within the time required therein, such person or firm shall be deemed to have waived any and all rights to contest the call of the bond or letter of credit.
- (j) If the person or firm tendering a bond or letter of credit pursuant to the requirements of this section continues its timber harvesting operation beyond the calendar year in which the bond or letter of credit was issued, the person or firm continuing the timber harvesting operation shall tender a new bond or letter of credit within 5 business days after the first day of the new calendar year.
- (k) In the event a bond or letter of credit tendered pursuant to the requirements of this section is revoked by the surety or bank, then a valid replacement bond or letter of credit must be delivered to the County within 5 business days after the date of revocation in order for timber harvesting operations to continue. In addition, if the person or firm tendering the bond or letter of credit caused its revocation, the amount of the bond or letter of credit required shall be increased to \$7,500.00 after the first revocation, and \$10,000.00 after a

second revocation caused by the person or firm tendering the bond or letter of credit. The maximum amount of the bond or letter of credit shall not exceed \$10,000.00.

- (l) Submission of the notice required by this section shall authorize the person or firm submitting same to undertake the timber harvesting operation described in the notice and shall remain in effect until such time as the person or firm gives notice that the harvesting operation is completed; provided, however, that any change in the facts required to be provided for purposed of such notice, including but not limited to a change in the scope or extent of the operation, must be reported to the County within three business days after such change.
- (m) Any person or firm that engages in a timber harvesting operation in the unincorporated portion of Harris County without complying with the notice requirements of this section shall be subject to a citation and trial, and upon conviction shall be fined in an amount not to exceed \$1,500.00 for each violation.
- (n) This section applies to activities which qualify as forestry land management practices or agricultural operations under O.C.G.A. § 12-7-17(5) and (6) on land that is zoned for or used for forestry, silvicultural or agricultural purposes. It shall not authorize land disturbing activities incidental to development in conflict with the limitations set forth in O.C.G.A. § 12-7-17(6).
- (o) Consistent with O.C.G.A. § 12-6-24:
 - (1) No fee shall be charged to provide and submit the notice required by this section; and
 - (2) No permit, including a driveway permit, shall be required of the person or firm engaged in a timber harvesting operation as defined by said Code section. Persons or firms providing the notice required by this section may be asked to consult with county officials responsible for roads and public works for the purpose of minimizing damage to the county's roads, rights-of-way and infrastructure, and are urged to follow recommendations from county officials. Notwithstanding the foregoing, the person or firm conducting the timber harvest operation bears ultimate responsibility for their actions, and nothing in this section shall preclude the County from taking any and all legal action necessary to protect its property and the health, safety and welfare of its citizens.
- (p) During operation of the timber harvesting operation:
 - (1) All operations shall be conducted at a loading site off the county rights-of-way and behind the established ditch line of county roads.
 - (2) Loading or skidding of logs will not be allowed on county roads.
 - (3) Ditches shall be kept clear of all debris or residue at all times to allow for proper drainage.
 - (4) County roads at the access site, and any county roads over which product is transported, shall be kept serviceable at all times for the passing public, emergency vehicles, school buses, mail carriers, etc.
 - (5) Crushed stone or some other material, if necessary, shall be used on access roads to prevent the transport of excessive amounts of mud from the operations area onto county roads.

- (6) The person or firm conducting the timber harvest operation shall post at least two signs in each direction from the entrance onto the County road used for the operation. One sign (orange 36" × 36") shall be posted at a distance of 1,000 feet from the entrance stating "Warning: Logging Operation Ahead", and three feet from the roadway. The second sign (orange 36" × 36") shall be posted at a distance of 500 feet from the entrance stating "Slow Truck Entering Highway", and three feet from the roadway.

Sec. 346. Tiny Houses.

Tiny houses, as defined in this Development Code, shall meet the following requirements:

- (a) A tiny house is subject to applicable requirements in Article 4 (Lot and Building Standards) of this Development Code and additional restrictions below.
- (b) A tiny house, as defined in this Development Code, shall be permitted on the same lot as the primary structure as per Table 2-2 (Accessory and Temporary Use Table) in Article 2 of this Development Code.
- (c) A tiny house shall only be constructed in accordance with current State Minimum Standard Residential Code(s) with Georgia State Amendments and with this Development Code.