

# HARRIS COUNTY, GEORGIA

## UNIFIED DEVELOPMENT CODE



**Amended Effective Date: December 5, 2023**

## **HARRIS COUNTY**

### UNIFIED DEVELOPMENT CODE

#### Organization of the Code

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

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

#### Article 2. Use of Land and Structures

Article 2 defines the zoning districts in Harris County and identifies the specific uses to which land and structures may be put in the various zoning districts, including certain uses or structures for which special approval is required in order to be allowed. In addition, this Article identifies specific uses within each zoning district to which restrictions may apply, which are presented in Article 3 of this Development Code.

#### 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.

#### Article 4. Lot and Building Standards

This Article sets out the standards that control the size of lots, the placement of buildings and structures on a lot, and the bulk and intensity of development on a lot in each zoning district. This article also provides minimum requirements and standards for the planting of trees and other landscape material and the provision of natural and/or planted buffers between dissimilar uses.

#### Article 5. Subdivisions and Planned Developments

Article 5 presents the different ways that land can be subdivided and developed, including minor and major subdivision approaches, conventional subdivisions, conservation subdivisions, and different types of Planned Residential Developments.

#### Article 6. Parking and Loading Requirements

Article 6 sets out the requirements and restrictions on the provision of automobile parking spaces for each development to accommodate its residents, employees, customers, and visitors, and for adequate truck parking to serve businesses and industry. The provisions of this Article apply equally to each designated use without regard to the zoning district in which it is located.

#### Article 7. Sign Regulations

This Article provides for the types of signs that may be placed on a property, and regulates such characteristics as their size, number, placement, and timing (for temporary events).

## **Article 8. Environmental Resources Protection**

This Article sets out the minimum requirements and standards for the protection of the natural environment within the County, including restrictions on the use of land near certain rivers and streams, within water supply watersheds, within groundwater recharge areas susceptible to pollution, and in wetlands in order to protect the drinking water quality of the rivers, streams, reservoirs and aquifers that supply water to the residents of the county and the state; protect the natural habitat of animal and plant life relative to water resources; and limit the potentially damaging effects of flooding.

## **Article 9. Project Design and Construction Standards**

This Article sets out the minimum requirements and standards for construction of subdivisions and other land development projects, including general principles of design and layout and requirements for such public facilities as streets and utilities.

## **Article 10. Erosion Control and Stormwater Management**

Article 10 contains the requirements that relate to the impact of rainfall events on the natural and manmade environment, including the erosion and siltation effects of site grading and land disturbance activities and the control of stormwater flows and dams.

## **Article 11. Procedures and Permits**

Article 11 describes the process through which a rezoning or special use may be approved on a property, the approval process for construction of subdivisions and other land development projects, the approval process for other permits required by this Development Code, and the process and procedures for appeals, including variances.

## **Article 12. Administration and Enforcement**

Article 12 sets out the structure, procedures and responsibilities of the various administrative officers and appointed officials for administering, amending and enforcing this Development Code, and sets out penalties for violations.

## **Article 13. Interpretation and Glossary**

This Article describes how figures, words and phrases used in this Development Code are to be interpreted and provides a glossary of all definitions specifically used in the text of this Development Code.

#### **Article 14. Inactive Zoning Districts**

The purpose of this Article is to identify use and development standards that apply to individual zoning districts which are no longer active, but which continue to apply to properties zoned in those classifications. No additional parcels will be rezoned to any inactive district classification.

# HARRIS COUNTY

## UNIFIED DEVELOPMENT CODE

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## Article 1. Adoption, Purpose and Applicability

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

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

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

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

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

#### **101.02 Authority.**

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

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

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

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

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

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

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

(b) Whenever the provisions of any other statutes or covenants require more restrictive standards than those of this Development Code, the provision of such statutes or covenants shall govern.

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

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

#### **102.04 Severability.**

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

**102.05 Effective Date.**

This Development Code shall take effect and shall be in force from and after April 1, 2023 as per its adoption by the Board of Commissioners of Harris County, the public welfare demanding it.

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

**103.01 Purposes of the Development Code.**

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

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

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

**103.02 Purposes of the Comprehensive Plan.**

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

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

**103.03 Intent in Interpretation.**

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

**103.04 Other Applicable Regulations.**

- (a) Regional Planning; County Participation.

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

- (b) Regional Land Use Policy Plan.

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

- (c) Regional Housing Policy Plan.

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

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

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

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

**Sec. 104. General Applicability.**

**104.01 General Applicability.**

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

**104.02 Jurisdiction.**

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

**104.03 Exemptions.**

(a) Conditions of Approval.

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

(b) Subdivisions with Prior Approval.

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

(c) Previously Issued Permits.

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

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

(d) Recently Approved Rezoning or Special Uses.

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

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

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

(e) Previously Submitted Applications.

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

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

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

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

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

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

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

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

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

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

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

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

**105.02 Height and Density.**

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



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

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

**105.03 Reduction in Lot Size.**

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

**105.04 Yards and Other Spaces.**

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

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

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

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

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

**Sec. 106. Nonconformities.**

**106.01 Intent of Nonconformities Section.**

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

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

**106.02 Nonconforming Development; In General.**

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

**106.03 Continuation of Illegal Nonconformity Prohibited.**

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

**106.04 Nonconforming Uses.**

- (a) Nonconforming Use; Defined.

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

- (b) Continuance of Nonconforming Uses.

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

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

**106.05 Nonconforming Structures.**

- (a) Nonconforming Structure; Defined.

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

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

(b) Continuance of Nonconforming Structures.

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

(c) Maintenance and Repairs to Nonconforming Structures.

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

**106.06 Nonconforming Lots.**

(a) Nonconforming Lot; Defined.

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

(b) Treatment of Nonconforming Lots.

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

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

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

**106.07 Nonconforming Signs.**

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

## Article 2. Use of Land and Structures

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## **Article 2. Use of Land and Structures**

Article 2 defines the zoning districts in Harris County and identifies the specific uses to which land and structures may be put in the various zoning districts, including certain uses or structures for which special approval is required in order to be allowed. In addition, this Article identifies specific uses within each zoning district to which restrictions may apply, which are presented in Article 3 of this Development Code.

### **Sec. 201. Zoning Districts; Established.**

For the purposes of this Development Code, the county is hereby divided into zoning districts, as follows:

#### **Agricultural Zoning Districts.**

A-1 General Agricultural and Forestry District

#### **Residential Zoning Districts.**

R-R Rural Residential District

R-1 Low-Density Residential

R-2 Medium-Density Residential District

R-3 High-Density Residential District

MHU-1 Manufactured Housing Unit District – Parks

MHU-2 Manufactured Housing Unit District – Subdivisions

#### **Apartment/Office Zoning Districts.**

A/O Apartment and Office Building

#### **Commercial Zoning Districts.**

C-1 Central Commercial District

C-3 Neighborhood Commercial District

C-4 Highway Commercial District

#### **Industrial Zoning Districts.**

M-1 General Manufacturing District

M-2 Heavy Manufacturing & Sexually Oriented Establishment District

#### **Planned Unit Development (PUD) Districts.**

PRD Planned Residential Development

PCD Planned Commercial Development

PMD Planned Manufacturing Development

CUPD Community Unit Planned Development

CORD Commercial Outdoor Recreation Development [Floating District]

#### **Inactive Zoning Districts.**

Resort Resort District

### **Sec. 202. Official Zoning Map.**

The unincorporated area of Harris County, Georgia is hereby divided into zoning districts, as shown on the Official Zoning Map of Harris County, Georgia which, together with all explanatory matter thereon, and accompanying pages, is hereby adopted by reference and declared to be a part of this Development Code.

#### **202.01 Official Zoning Map.**

- (a) The Official Zoning Map of Harris County, Georgia is hereby adopted and identified as that map or series of maps, adopted by the Board of Commissioners, that show the precise location and boundaries of the zoning districts and that is certified by the County Clerk of Harris County, Georgia.
- (b) A certified copy of the Official Zoning Map shall be kept in the Community Development, where it shall be available for public inspection.
- (c) The Official Zoning Map may be amended from time to time pursuant to the provisions of this Code.

**202.02 Amendments to the Official Zoning Map.**

- (a) The Official Zoning Map may be amended from time to time by the Board of Commissioners, but no amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the Planning Commission for review and recommendation in conformity with the procedures set forth in this Development Code.
- (b) Changes made in district boundaries or other matters portrayed on the zoning maps shall be entered on said maps promptly after such change has been approved by the governing authority together with an entry on the maps showing the date and ordinance number such action was approved. No amendment to this ordinance which involves matters portrayed on the zoning maps shall become effective until such change and entry has been made on said maps.

**202.03 Replacement of the Official Zoning Map.**

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Commissioners may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map.

**202.04 Interpretation of Zoning District Boundaries.**

Where uncertainty exists with respect to the location and boundaries shown on the Official Zoning Map, the following rules shall apply:

- (a) Where a zoning district boundary line is shown as following or approximately following the center line of a street, a county road, a state highway, an alley, or railroad right-of-way or such lines extended, then such lines shall be construed to be the zoning district boundary lines.
- (b) Where a zoning district boundary line is shown as approximately following a corporate limits line, a militia district line, a land lot line, a lot line or such lines extended, then such lines shall be construed to be the zoning district boundary lines.
- (c) Where a zoning district boundary line is shown as following or approximately following shorelines, then such lines shall be construed to follow such shorelines. In the event of change in the shoreline, the zoning district boundary lines shall be construed as moving with the actual shoreline. Where a zoning district boundary line is shown as following or approximately following the center lines of streams, rivers, canals, lakes or other bodies of water, then such lines shall be construed to be the zoning district boundary lines.

- (d) Distances not specifically indicated on the zoning map shall be determined by the scale of the map. Where a zoning district boundary line is shown as being set back from a street, a county road, a state highway, an interstate highway or a railroad right-of-way and approximately parallel thereto, then such zoning district boundary line shall be construed as being at the scaled distance from the center line of the street, county road, state highway, interstate highway or railroad right-of-way and as being parallel thereto.
- (e) Where a zoning district boundary line divides a lot, the location of the district boundary line shall be the scaled distance from the lot lines. In this situation, the requirements of the zoning district in which the greater portion of the lot lies shall apply to the balance of the lot except that such extension shall not include any part of a lot that lies more than 50 feet beyond the zoning district boundary line.
- (f) In the case of a through lot fronting on two approximately parallel streets that is divided by a zoning district boundary line paralleling the streets, the restrictions of the zoning district in which each frontage of the through lot lies shall apply to that portion of the through lot.
- (g) When the application of the aforementioned rules leaves a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the board of zoning adjustment.

**202.05 Special Conditions of Previous Zoning Approvals Retained.**

All special conditions and special stipulations imposed as conditions of zoning approval of property prior to adoption of the Official Zoning Map are hereby retained and reaffirmed and shall continue in full force and effect until such time as the property is rezoned or the prior zoning action of the Board of Commissioners is amended through the zoning approval process established by this Development Code.

**Sec. 203. Zoning Districts.**

**203.01 General.**

- (a) Zoning Districts.

All lands in the incorporated area of Harris County, Georgia are included in one or another of the zoning districts established by this Development Code.

- (b) Inactive Zoning Districts.

Inactive districts, which have use and development standards that apply to existing parcels zoned in these classifications, are addressed in Article 15 of this Development Code. No additional parcels will be rezoned to any inactive district classification.

- (c) Conformity with Zoning District Regulations.

Except for individual nonconformities addressed in Article 1 of this Development Code:

- (1) No property shall be used except in accordance with its zoning designation on the Official Zoning Map, application conditions of zoning approval for the property, and all applicable provisions of this Development Code.



(2) The regulations set by this Development Code within each zoning district shall be minimum regulations and shall apply uniformly, and to each class or kind or structure or land, except when modifications are provided in this Development Code.

(d) Lot and Building Standards.

Unless otherwise specified in this Development Code, principal uses and lots shall conform to the requirements in Article 4.

(e) Allowed Uses.

Unless otherwise specified in this Development Code, see Section 204 for allowed principal uses, accessory uses, temporary uses, and restrictions that apply to particular uses.

**203.02 Agricultural Zoning Districts; Purpose.**

(a) A-1 General Agricultural and Forestry District:

The objective of this district is to encourage and promote agricultural and forestry uses in the rural areas of the county.

**203.03 Residential Zoning Districts, including Planned Developments; Purpose.**

(a) R-R Rural Residential District.

The objective of this district is to preserve the natural resources and environmentally sensitive areas and encourage and promote agricultural and forestry uses in the rural areas of the county while providing for very low density residential use.

(b) R-1 Low-Density Residential District.

The objective of this district is to preserve land areas for single dwelling unit structures and to promote residential areas with low densities. These areas are intended to be geographically defined and protected from the encroachment of uses not performing a function necessary to a residential environment. Environmentally sensitive resources should be protected and integration of such resources into residential development design is encouraged.

(c) R-2 Medium-Density Residential District.

The objective of this district is to provide and preserve land areas for single dwelling unit structures and low-density multiple dwelling unit structures, not to exceed two dwelling units per structure, which will achieve an overall medium density of residential development. Natural resources and environmentally sensitive areas should be protected and integration of such resources into residential development design is encouraged. R-2 districts should be located in areas with good proximity to central community facilities and in areas where a stable transition from one district or density or development to another is desirable.

(d) R-3 High-Density Residential District:

The objective of this district is to promote and encourage the development of multi-dwelling unit structures in areas served by facilities and services necessary to result in efficient, but not overcrowded, high-density residential development. Intensities of land development should be limited to avoid congestion of building and traffic and to provide adequate open space for a healthful and tasteful environment. Nonresidential uses should be limited to those necessary to directly serve residents in high-density residential districts.

Natural resources and environmentally sensitive areas should be protected and integration of such resources into residential development design is encouraged

(e) MHU-1 Manufactured Home Unit District—Parks:

The objective of this district is to provide areas within the county for the placement of manufactured housing units in parks which are designed for the placement of manufactured housing units.

(f) MHU-2 Manufactured Home Unit District—Subdivisions:

The objective of this district is to provide areas within the county for placement of manufactured housing units in concentrated locations and for proper management of land development. The district shall permit subdivisions designed for the placement of manufactured housing units and single-family residences.

(g) PRD—Planned Residential Development

The intent of this district is to encourage development in areas of the county that have the required infrastructure and are capable of supporting the residential, recreational, and commercial features. A PRD is a planned development with residential principal land uses and commercial secondary uses, as detailed in Section 506 of this Development Code. Natural resources and environmentally sensitive areas should be protected and integration of such resources into residential development design is encouraged

**203.04 Apartment/Office Zoning District; Purpose.**

(a) A/O Apartment/Office:

The purpose of this district is to create an environment especially suited to a group of professional, general administrative and general sales offices, together with high-density residential uses and required infrastructure to support the proposed action.

**203.05 Commercial Zoning Districts, including Planned Developments; Purpose:**

(a) C-1 Central Business [Commercial] District:

The objective of this district is to provide and preserve a central area of intensive commercial, financial, professional, governmental and cultural activities scaled to pedestrian needs. Uses which do not require a central location and create hazards in the performance of centralized functions are discouraged.

(b) C-3 Neighborhood Commercial District:

The objective of this district is to encourage small-scale retail developments that provide goods and services to meet the daily needs and the convenience of residential neighborhood residents. It is intended that neighborhood shopping areas be developed as units with adequate off-street parking and access controls and with appropriate buffers to protect and preserve surrounding residential development.

(c) C-4 Highway Commercial District:

The objective of this district is to provide areas for the development of commercial establishments which cater specifically to motor vehicle needs. It is also the intent of this district to provide adequate land areas in terms of width and depth to meet the needs of commercial development where access is dependent on vehicular trade. In certain instances where the objectives of this district can be met, manufacturing activities where

products are sold on the premises only may be permitted. The location and development of these commercial activities shall be encouraged so as to minimize traffic hazards and interference with adjacent uses. This district also allows live-work units.

(d) PCD—Planned Commercial Development

A planned development whose primary or principal land use is commercial. Residential and CORD District uses are permitted, provided they are secondary to the commercial use of the development, as detailed in Article 5 of this Development Code.

(e) CORD—Commercial Outdoor Recreation Development District:

The objective of this district is to provide areas for private recreational facilities and activities, which does not include seasonal hunting rights between consenting parties.

**203.06 Mixed Use Zoning Districts; Purpose.**

(a) Community Unit Planned Development.

A planned development that requires a mix of uses which may include, low-, medium-, and high-density residential, various commercial uses, offices, and commercial outdoor recreation in areas that can physically and environmentally accommodate such development, and where sufficient transportation infrastructure, utility infrastructure, and governmental services are either planned or readily available to support the development. Natural resources and environmentally sensitive areas should be protected and integration of such resources into residential development design is encouraged.

**203.07 Industrial Zoning Districts; Purpose.**

(a) M-1 General Manufacturing District:

The objective of this district is to provide areas for the development of light manufacturing and assembly plants and their related activities. It is also the intent of this district that noise, odor, dust and glare associated with uses permitted in this district be confined with buildings so as to minimize the effects upon adjacent development and uses. It is also the intent of this district that traffic generated by uses permitted including raw materials, finished products and employees, be minimal but that transportation facilities and routes be easily accessible.

(b) M-2 Heavy Manufacturing District and Sexually Oriented Establishment District:

The objective of this district is to provide areas which are suitable for manufacturing uses which might produce objectionable characteristics as a part of their normal operational activities but to minimize their effects upon surrounding development through strict adherence to performance standards and by review of manufacturing uses which produce abnormal objectional characteristics and to provide areas which are suitable for sexually oriented establishment uses which studies have shown might produce objectionable characteristics through adverse secondary effects into the surrounding community.

(c) PMD—Planned Manufacturing Development

A planned development with the primary or principal land use being manufacturing. Residential, commercial, and CORD District uses are permitted, provided they are secondary to the manufacturing use of the development, as detailed in Article 5 of this Development Code.

## **Sec. 204. Uses Allowed in Each Zoning District.**

This Section identifies the uses that are allowed by right or by special use approval in each of the zoning districts and uses to which certain restrictions apply.

### **204.01 Principal Uses.**

- (a) A principal use is the specific, primary purpose for which land or a building is used.
- (b) Principal uses that are allowed by right or allowed only by special use approval in each zoning district are shown on the following Table 2-1.
- (c) In Planned Unit Developments (PUDs), uses that are allowed are established through approval of the planned development and are not indicated in the Use Tables. The allowed uses will correspond with uses allowed in the various zoning districts under which the PUD is developed. See the Subdivisions and Planned Developments Article (Article 5) of this Development Code for details on allowed uses in each type of planned development,

### **204.02 Accessory and Temporary Uses.**

- (a) An accessory use is a use that is permitted on a property in conjunction with a principal use. An accessory use is incidental to the principal use and would not exist independent of the principal use.
- (b) A temporary use is a use having a specific duration or the end of which is related to a specific action, usually lasting for only a few days or months at a time.
- (c) Accessory uses and temporary uses that are allowed in conjunction with a principal use are shown on Table 2-2.
- (d) See 204.01(c) for accessory or temporary uses in a planned development.

### **204.03 Special Uses.**

Principal and accessory uses that are Special Uses may be granted subject to special use approval procedures as set forth in the Procedures and Permits Article of this Development Code.

### **204.04 Restrictions on Particular Uses.**

- (a) Restrictions that apply to certain principal uses and to certain zoning districts are referenced on Table 2-1 and Table 2-2 and are contained in Article 3.
- (b) The restrictions also apply to special uses unless specifically waived or modified as a stipulation of special use approval.
- (c) The provisions of Article 3 that apply to development in general, may not be indicated in either of the two tables.

### **204.05 Prohibited Uses.**

- (a) Any principal use not specifically permitted by the applicable zoning district, whether by right or with approval as a Special Use, is specifically prohibited, as indicated in Table 2-1.
- (b) Any accessory use not specifically permitted by the applicable zoning district, whether by right or with approval as a Special Use, is specifically prohibited, as indicated in Table 2-2.

### **204.06 Interpretation of Uses.**

Some degree of interpretation will occasionally be required. It is not possible to list each and every variation or name of a given use.

- (a) In addition to other generally accepted references and resources, the North American Industrial Classification System (NAICS), published by the U.S. Department of Commerce (2017 edition or later edition), may be referred to in order to interpret the definition of uses listed on Table 2-1 and Table 2-2 and to identify similar uses that may be allowed along with each listed use. The NAICS classification number is shown on the tables for each applicable use for reference and interpretation only; the NAICS is not adopted as part of this Development Code.
- (b) The NAICS assigns classification numbers to businesses and industries based on the primary business activity in which the company is engaged. While business activity usually corresponds to land use type, and therefore can be easily assigned to appropriate zoning districts, there are exceptions. Some businesses may be primarily engaged in a certain industry – such as telecommunications, for instance, like AT&T – but individual locations host notably different activities. For a company like AT&T, for instance, different facilities may include retail stores for telephones, offices for administrative functions, satellite and exchange switching stations, and repair and installation staging lots where heavy equipment vehicles, telephone poles, wire spools and materials are stored. As a result, interpretation is occasionally needed for an individual use, regardless of the business activity in which the parent company is engaged.
  - (1) The NAICS classification number is shown on the use tables for each applicable use for reference and interpretation only; the NAICS is not adopted as part of this Development Code.
  - (2) If no NAICS classification number is shown on the table, there is no corresponding category to the land use listed. The use may be residential in nature (there are no NAICS categories for residences) or may be a land use activity not generally recognized as a business activity or industry type.
- (c) In all cases of uncertainty, the determination of whether or not a particular use is allowed in a particular zoning district shall reflect the purpose of the zoning district as stated in this Article, both the common and dictionary definitions of the use, and the array of listed uses that are allowed in the district as to their character and intensity.

**204.07 Use Tables.**

The following tables list the uses allowed by right and by special use approval in each zoning district, as described herein:

- (a) An "A" means that the use is allowed in the zoning district without any qualifications, except wherever such qualifications may be indicated in this Development Code. Such indication will also be noted in the righthand column of the table of uses.
- (b) An "SU" means that the use is allowed only by special use approval. A listed special use is one that may be granted only when certain conditions are met in accordance with the special use process described in Article 8 of this Ordinance. Additional restrictions may also apply, as noted in the righthand column of the table of uses.
- (c) A blank space indicates that the use is not allowed in any district and is specifically prohibited.

Table 2-1 and Table 2-2 are organized under the following land use categories:

**Table 2-1** organizes the various **principal uses** under the following headings:

- Agricultural, Forestry, Fishing
- Residential Uses
- Public and Institutional Uses
- Administrative and Professional Offices
- Retail Trade
- Commercial Services
- Arts, Entertainment, and Recreation

Table 2-1 Principal Use Table

| NAICS Ref.               | Principal Uses ↓  | Zoning Districts → | A-1   | R-R | R-1                                      | R-2 | R-3 | A/O | CORD | Resort | C-1                | C-3 | C-4 | M-1 | M-2 | MHU-1 | MHU-2 | For Restrictions See Sec.: <sup>1</sup> |                      |
|--------------------------|---|--------------------|---|-----|--|-----|-----|-----|------|--------|--------------------|-----|-----|-----|-----|-------|-------|---|----------------------|
|                          |   | A = Allowed        |   |     | SU= Allowed if Approved as a Special Use |     |     |     |      |        | Blank = Prohibited |     |     |     |     |       |       |   |                      |
| <b>AGRICULTURAL USES</b> |   |                    |   |     |  |     |     |     |      |        |                    |     |     |     |     |       |       |   |                      |
| 1125                     | Aquaculture (fish farming & hatcheries)   |                    | A   |     |  |     |     |     |      |        |                    |     |     |     | A   | A     |       |   | Sec. 308             |
| 1121                     | Cattle Ranching and Farming, except Feedlots  |                    | A   | A   |  |     |     |     |      |        |                    |     |     |     | A   | A     |       |   | Sec. 308             |
| 111                      | Crop Production, except Greenhouses, Nurseries, and Floriculture Production ( <i>non-retail</i> ) |                    | A   | A   | A  |     |     |     |      |        |                    |     |     | A   | A   | A     |       |   | Sec. 308             |
| 1114                     | Crop Production: Greenhouses, Nurseries, and Floriculture Production ( <i>non-retail</i> )        |                    | A   | A   |  |     |     |     |      |        |                    |     |     | A   | A   | A     |       |   | Sec. 308             |
| 115210                   | Equine Boarding & Stable Facilities   |                    | SU  | SU  |  |     |     |     | SU   |        |                    |     |     |     |     |       |       |   | Sec. 308             |
| 444220                   | Farm Supply Store (e.g. Feed and Seed Store)  |                    | SU  |     |  |     |     |     |      |        | A                  |     |     | A   |     |       |       |   | Sec. 339             |
| 312130                   | Farm Winery   |                    | A   |     |  |     |     |     |      |        |                    |     |     |     |     |       |       |   | Sec. 319             |
| 1141                     | Fishing, commercial   |                    | SU  |     |  |     |     |     | SU   |        |                    |     |     |     |     |       |       |   | Sec. 308             |
| 113                      | Forestry and Logging (non-retail)   |                    | A   |     |  |     |     |     |      |        |                    |     |     |     | A   | A     |       |   | Sec. 345             |
| 114210                   | Gaming Preserves, commercial  |                    | SU  |     |  |     |     |     | SU   |        |                    |     |     |     |     |       |       |   | Sec. 325             |
| 1122                     | Hog and Pig Farming   |                    | A   |     |  |     |     |     |      |        |                    |     |     |     | A   | A     |       |   | Sec. 308             |
| 1142                     | Hunting and Trapping, commercial  |                    | SU  |     |  |     |     |     | SU   |        |                    |     |     |     |     |       |       |   | Sec. 325             |
|                          | Deer and Game Processing  |                    | SU  |     |  |     |     |     |      |        | SU                 |     |     | SU  |     |       |       |   |                      |
| 424590                   | Livestock Sale and Auction Facility   |                    | SU  |     |  |     |     |     |      |        | SU                 | SU  | SU  |     |     |       |       |   | Sec. 308             |
| 1129                     | Other Animal Production   |                    | A   |     |  |     |     |     |      |        |                    |     |     |     | A   | A     |       |   | Sec. 308             |
| 1123                     | Poultry and Egg Production  |                    | A   |     |  |     |     |     |      |        | A                  | A   | A   | A   | A   |       |       |   | Sec. 308             |
| 713990                   | Riding Stables  |                    | SU  | SU  |  |     |     |     | SU   | SU     |                    |     |     | SU  |     |       |       |   | Sec. 308             |
|                          | Sale of product on premises (agricultural production)   |                    | A   | A   |  |     |     |     |      |        |                    |     |     |     | A   | A     |       |   | Sec. 309<br>Sec. 318 |
| 1124                     | Sheep and Goat Farming  |                    | A   | A   |  |     |     |     |      |        |                    |     |     |     | A   | A     |       |   | Sec. 308             |
|                          |   |                    | <i>For Farmers Markets, see Table 2-2 Accessory and Temporary Use Table</i> |     |  |     |     |     |      |        |                    |     |     |     |     |       |       |   |                      |
| <b>RESIDENTIAL USES</b>  |   |                    |   |     |  |     |     |     |      |        |                    |     |     |     |     |       |       |   |                      |

<sup>1</sup> Note: Indication of associated restrictions is not comprehensive. Additional associated restrictions may be found in other sections of this Development Code.

Table 2-1 Principal Use Table

| NAICS Ref.   | Principal Uses ↓  | Zoning Districts → | A-1 | R-R | R-1                                      | R-2 | R-3 | A/O | CORD | Resort             | C-1 | C-3 | C-4 | M-1 | M-2 | MHU-1 | MHU-2 | For Restrictions See Sec.: <sup>1</sup> |  |
|--|---|--------------------|-----|-----|--|-----|-----|-----|------|--------------------|-----|-----|-----|-----|-----|-------|-------|---|--|
|  |   | A = Allowed        |     |     | SU= Allowed if Approved as a Special Use |     |     |     |      | Blank = Prohibited |     |     |     |     |     |       |       |   |  |
| 623110   | Assisted Living Facility  |                    | SU  |     |  |     | SU  |     |      |                    | SU  | SU  | SU  |     |     |       |       | Sec. 322                                |  |
|  | Conservation Subdivision  |                    | A   | A   | A  |     |     |     |      |                    |     |     |     |     |     |       |       | Article 5                               |  |
| 623311   | Continuing Care Retirement Community  |                    | SU  |     |  |     | SU  |     |      |                    | SU  | SU  | SU  |     |     |       |       | Sec. 339                                |  |
| 623990   | Group Residence for Adults  |                    | SU  |     |  |     |     | SU  |      |                    | SU  |     | SU  |     |     |       |       | Sec. 322                                |  |
| 623990   | Group Residence for Children,   |                    | SU  |     |  |     |     | SU  |      |                    | SU  |     | SU  |     |     |       |       | Sec. 323                                |  |
| 623110   | Hospice, Inpatient Facility   |                    |     |     |  |     |     |     |      |                    |     |     | SU  |     |     |       |       | Sec. 339                                |  |
|  | Live-Work Unit  |                    | SU  |     |  |     |     |     | SU   |                    | SU  | SU  | SU  |     |     |       |       | Sec. 338                                |  |
|  | Manufactured Home Park  |                    |     |     |  |     |     |     |      |                    |     |     |     |     |     | A     |       | Sec. 329                                |  |
|  | Manufactured Home   |                    | A   |     |  |     |     |     |      |                    |     |     |     |     |     | A     | A     | Sec.329                                 |  |
|  | Multi-Family: Condominiums and Apartments                                     |                    |     |     |  |     | A   | A   |      |                    |     |     |     |     |     |       |       | Sec. 338                                |  |
|  | Nursing Home  |                    |     |     |  |     | SU  |     |      |                    | SU  | SU  | SU  |     |     |       |       | Sec. 339                                |  |
| 623990   | Personal Care Home  |                    | SU  |     |  |     | SU  |     |      |                    | SU  | SU  | SU  |     |     |       |       |   |  |
| 623220   | Residential Mental Health Facilities  |                    |     |     |  |     | SU  |     |      |                    | SU  |     | SU  |     |     |       |       | Sec. 339                                |  |
|  | Resort  |                    |     |     |  |     |     |     |      | SU                 |     |     |     |     |     |       |       | Sec. 313<br>Article 14                  |  |
|  | Senior Housing Development  |                    |     |     |  | SU  | SU  |     |      |                    |     |     |     |     |     |       |       | Article 5                               |  |
|  | Single-Family Detached Home: Site-Built or Modular                            |                    | A   | A   | A  | A   | A   |     |      | A                  |     |     |     |     |     |       | A     |   |  |
|  | Three-Family Dwelling: Triplex or more  |                    |     |     |  |     | A   | A   |      |                    |     |     |     |     |     |       |       | Sec. 338                                |  |
|  | Townhouses  |                    |     |     |  |     | A   | A   |      |                    |     |     |     |     |     |       |       |   |  |
|  | Two-Family Dwelling: Duplex   |                    |     |     |  | A   | A   |     |      |                    |     |     |     |     |     |       |       | Sec. 338                                |  |
| <b>PUBLIC AND INSTITUTIONAL USES</b>   |   |                    |     |     |  |     |     |     |      |                    |     |     |     |     |     |       |       |   |  |
| <i>(Public Administration facilities; Religious facilities; Healthcare and Day Care facilities; Schools and Educational facilities, including Commercial and Trade Schools; Civic, Professional Organization facilities)</i> |   |                    |     |     |  |     |     |     |      |                    |     |     |     |     |     |       |       |   |  |
|  | Adult Day Care Center   |                    |     |     |  |     |     | SU  |      |                    | SU  |     | SU  |     |     |       |       | Sec. 315                                |  |
| 8139   | Business, Professional, Labor, Political and Similar Organizations            |                    |     |     |  |     |     | A   |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |
| 6114   | Business Schools and Computer and Management Training (including Business and |                    |     |     |  |     |     |     |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |



Table 2-1 Principal Use Table

| NAICS Ref. | Principal Uses ↓   | Zoning Districts → | A-1                                      | R-R | R-1 | R-2 | R-3 | A/O | CORD | Resort             | C-1 | C-3 | C-4 | M-1 | M-2 | MHU-1 | MHU-2 | For Restrictions See Sec.: <sup>1</sup> |  |
|------------|--|--------------------|--|-----|-----|-----|-----|-----|------|--------------------|-----|-----|-----|-----|-----|-------|-------|---|--|
|            |  | A = Allowed        | SU= Allowed if Approved as a Special Use |     |     |     |     |     |      | Blank = Prohibited |     |     |     |     |     |       |       |   |  |
|            | Secretarial Schools, Computer Training, Professional and Management Development Training)  |                    |  |     |     |     |     |     |      |                    |     |     |     |     |     |       |       |   |  |
| 812220     | Cemeteries, commercial   | SU                 |  |     |     |     |     |     |      |                    |     |     |     |     |     |       |       | Sec. 314                                |  |
| 624410     | Child Day Care Facility<br>(For home-based day care services, see <i>Home Occupation</i> in the Accessory & Temporary Use Table, Table 2-2)  |                    |  |     |     |     |     | SU  |      |                    | SU  | SU  | SU  |     |     |       |       | Sec. 315                                |  |
| 8131       | Churches, Synagogues, Temples and Other Religious Facilities   | A                  | A  | A   | A   | A   | A   | A   | A    | A                  | A   | A   | A   | A   | A   | A     | A     | Sec. 339                                |  |
| 6214       | Clinics, with the exception of Urgent Care Facilities  |                    |  |     |     |     |     |     |      |                    | A   |     | A   |     |     |       |       | Sec. 339                                |  |
| 813410     | Clubs, Non-profit: Fraternal Lodges, Veterans Membership Organizations, and Other Private Civic and Social Organizations<br>(for Private Clubs and Nightclubs, see under <i>Arts, Recreation and Entertainment</i> )         | SU                 |  |     |     |     |     |     |      |                    | A   | A   | A   |     |     |       |       |   |  |
| 611310     | Colleges and Universities and related facilities (Auditoriums, Dormitories, and other facilities)  | SU                 | SU                                       | SU  | SU  | SU  | SU  | SU  | SU   | SU                 | SU  | SU  | SU  | SU  | SU  | SU    | SU    | Sec. 339                                |  |
| 622        | Hospitals  |                    |  |     |     |     |     |     |      |                    | A   |     | A   |     |     |       |       | Sec. 339                                |  |
| 6241       | Individual and Family Services, non-residential (including Child and Youth Services, Services for the Elderly and Persons with Disabilities, and Counseling Services for Individuals and Families); excluding Adult Day Care |                    |  |     |     |     |     |     |      |                    | SU  |     | SU  |     |     |       |       | Sec. 339                                |  |
| 624310     | Job Counseling and Job Training Services   |                    |  |     |     |     |     |     |      |                    | A   |     | A   | A   |     |       |       | Sec. 339                                |  |
| 611110     | Nursery Schools  |                    |  |     |     |     |     |     |      |                    |     | SU  | SU  |     |     |       |       |   |  |
| 6116       | Other Non-Academic Schools and Instruction (including Fine Arts Schools (e.g., Dance Schools), Sports and Recreation Instruction, Language Schools, Exam Preparation and Tutoring, Automobile Driving Schools)               |                    |  |     |     |     |     |     |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |
| 92         | Public Buildings and Government Uses (not specifically listed)   | SU                 | SU                                       | SU  | SU  | SU  | SU  | A   | SU   | SU                 | A   | A   | A   | SU  | SU  | SU    | SU    |   |  |

Table 2-1 Principal Use Table

| NAICS Ref.   | Principal Uses ↓  | Zoning Districts →  | A-1                                      | R-R | R-1 | R-2 | R-3 | A/O | CORD | Resort             | C-1 | C-3 | C-4 | M-1 | M-2 | MHU-1 | MHU-2 | For Restrictions See Sec.: <sup>1</sup> |  |
|--|---|---|--|-----|-----|-----|-----|-----|------|--------------------|-----|-----|-----|-----|-----|-------|-------|---|--|
|  |   | A = Allowed   | SU= Allowed if Approved as a Special Use |     |     |     |     |     |      | Blank = Prohibited |     |     |     |     |     |       |       |   |  |
| 611110   | Schools (Public)  | A   | A  | A   | A   | A   | A   | A   | A    | A                  | A   | A   | A   | A   | A   | A     | A     |   |  |
| 611110   | Schools (Private)   | SU  | SU                                       | SU  | SU  | SU  | SU  | SU  | SU   | SU                 | SU  | SU  | SU  | SU  | SU  | SU    | SU    |   |  |
| 6115   | Technical and Trade Schools (including Cosmetology and Barber Schools, Flight Training, Bus Driving Instruction, Other Technical and Trade Schools) | SU  |  |     |     |     |     |     |      |                    | SU  | SU  | SU  | SU  |     |       |       | Sec. 339                                |  |
| 621493   | Urgent Care Facilities  |   |  |     |     |     |     |     |      |                    | A   |     | A   |     |     |       |       | Sec. 339                                |  |
|  | Volunteer Fire Departments  | A   | A  | A   | A   | A   | A   | A   | A    | A                  | A   | A   | A   | A   | A   | A     | A     |   |  |
|  |   | For non-academic schools including commercial and trade schools, and for educational support services, see <i>Commercial Services</i> |  |     |     |     |     |     |      |                    |     |     |     |     |     |       |       |   |  |
| <b>RETAIL TRADE</b>  |   |   |  |     |     |     |     |     |      |                    |     |     |     |     |     |       |       |   |  |
| <i>(General Merchandise Stores; Miscellaneous Store Retailers; Electronic and appliance stores; Building Material and Garden Equipment and Supplies Dealers; Food and Beverage Stores; Health and Personal Care Stores; Gas Stations; Clothing and Clothing Accessories Stores; Sports, Hobby, Music Instrument &amp; Book Stores)</i> |   |   |  |     |     |     |     |     |      |                    |     |     |     |     |     |       |       |   |  |
| 444190   | Air Conditioning Parts and Supply Stores  |   |  |     |     |     |     |     |      |                    | A   |     | A   | A   |     |       |       | Sec. 339                                |  |
| 441228   | Aircraft Dealers  |   |  |     |     |     |     |     |      |                    |     |     | A   | A   |     |       |       | Sec. 339                                |  |
| 446199   | All Other Health and Personal Care Stores   |   |  |     |     |     |     |     |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |
| 453920   | Art Galleries (includes commercial studios and galleries); See also under <i>Manufacturing, Artisan for Artisans and Craftsmen</i>                  |   |  |     |     |     |     |     |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |
| 453998   | Art Supply Stores   |   |  |     |     |     |     |     |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |
| 441310   | Automotive Parts and Accessories Stores   |   |  |     |     |     |     |     |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |
| 445310   | Beer and Wine Stores (package, carryout)  |   |  |     |     |     |     |     |      |                    | A   | A   | A   |     |     |       |       | Sec. 307<br>Sec. 339                    |  |
| 451110   | Bicycle Shops   |   |  |     |     |     |     |     |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |
| 441222   | Boat Dealers, new and used  |   |  |     |     |     |     |     |      |                    | A   |     | A   | A   |     |       |       | Sec. 339                                |  |
| 451211   | Book Stores   |   |  |     |     |     |     |     |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |
| 448  | Clothing and Accessories Stores (including shoe, and jewelry and similar stores)  |   |  |     |     |     |     |     |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |
| 452210   | Department Stores   |   |  |     |     |     |     |     |      |                    | A   |     | A   |     |     |       |       | Sec. 339                                |  |
| 444190   | Electrical Supply Stores  |   |  |     |     |     |     |     |      |                    | A   |     | A   | A   |     |       |       | Sec. 339                                |  |

Table 2-1 Principal Use Table

| NAICS Ref. | Principal Uses ↓   | Zoning Districts → | A-1 | R-R | R-1                                      | R-2 | R-3 | A/O | CORD | Resort | C-1                | C-3 | C-4 | M-1 | M-2 | MHU-1 | MHU-2 | For Restrictions See Sec.: <sup>1</sup> |  |
|------------|--|--------------------|-----|-----|--|-----|-----|-----|------|--------|--------------------|-----|-----|-----|-----|-------|-------|---|--|
|            |  | A = Allowed        |     |     | SU= Allowed if Approved as a Special Use |     |     |     |      |        | Blank = Prohibited |     |     |     |     |       |       |   |  |
| 443142     | Electronic Stores (including cell phones, computers, radios, televisions, cameras, etc.; includes repair and support services) |                    |     |     |  |     |     |     |      |        | A                  | A   | A   |     |     |       |       | Sec. 339                                |  |
| 451110     | Fishing Supply Stores (e.g., bait shop)  |                    |     |     |  |     |     |     |      |        | A                  |     | A   |     |     |       |       | Sec. 339                                |  |
| 453110     | Florists   |                    |     |     |  |     |     |     |      |        | A                  | A   | A   |     |     |       |       | Sec. 339                                |  |
| 4421       | Furniture Stores   |                    |     |     |  |     |     |     |      |        | A                  | A   | A   |     |     |       |       | Sec. 339                                |  |
| 447110     | Gasoline Stations (including convenience stores)   |                    |     |     |  |     |     |     |      |        | A                  | A   | A   |     |     |       |       | Sec. 321                                |  |
| 452319     | General Retail Store   |                    |     |     |  |     |     |     |      |        | A                  |     | A   |     |     |       |       | Sec. 339                                |  |
| 453220     | Gift, Novelty, and Souvenir Stores   |                    |     |     |  |     |     |     |      |        | A                  | A   | A   |     |     |       |       | Sec. 339                                |  |
| 444130     | Hardware Stores  |                    |     |     |  |     |     |     |      |        | A                  | A   | A   |     |     |       |       | Sec. 339                                |  |
| 451120     | Hobby, Toy and Game Stores   |                    |     |     |  |     |     |     |      |        | A                  | A   | A   |     |     |       |       | Sec. 339                                |  |
| 4422       | Home Furnishings Stores  |                    |     |     |  |     |     |     |      |        | A                  | A   | A   |     |     |       |       | Sec. 339                                |  |
| 444110     | Home Improvement Centers   |                    |     |     |  |     |     |     |      |        | A                  |     | A   | A   | A   |       |       | Sec. 339                                |  |
| 443141     | Household Appliance Stores   |                    |     |     |  |     |     |     |      |        | A                  | A   | A   |     |     |       |       | Sec. 339                                |  |
| 445310     | Liquor Stores  |                    |     |     |  |     |     |     |      |        | A                  |     | A   |     |     |       |       | Sec. 307                                |  |
| 448320     | Luggage and Leather Goods Stores   |                    |     |     |  |     |     |     |      |        | A                  | A   | A   |     |     |       |       | Sec. 339                                |  |
| 444190     | Lumber Yards, retail   |                    |     |     |  |     |     |     |      |        |                    |     | A   | A   | A   |       |       | Sec. 339                                |  |
| 453998     | Monument Dealers (i.e., burial markers)  |                    |     |     |  |     |     |     |      |        | A                  |     | A   |     |     |       |       | Sec. 339                                |  |
| 441228     | Motorcycle Dealers   |                    |     |     |  |     |     |     |      |        | A                  |     | A   |     |     |       |       | Sec. 339                                |  |
| 451140     | Musical Instrument and Supply Stores   |                    |     |     |  |     |     |     |      |        | A                  | A   | A   |     |     |       |       | Sec. 339                                |  |
| 441110     | New & Used Car Dealers   |                    |     |     |  |     |     |     |      |        | A                  |     | A   |     |     |       |       | Sec. 310                                |  |
| 444220     | Nursery, Garden Center   |                    | SU  |     |  |     |     |     |      |        | A                  | A   | A   |     |     |       |       | Sec. 339                                |  |
| 453210     | Office Supplies and Stationary Stores  |                    |     |     |  |     |     |     |      |        | A                  | A   | A   |     |     |       |       | Sec. 339                                |  |
| 446130     | Optical Goods Stores   |                    |     |     |  |     |     |     |      |        | A                  | A   | A   |     |     |       |       | Sec. 339                                |  |
| 444190     | Other Building Materials Stores  |                    |     |     |  |     |     |     |      |        | A                  |     | A   |     |     |       |       | Sec. 339                                |  |
| 444120     | Paint and Wallpaper Stores   |                    |     |     |  |     |     |     |      |        | A                  |     | A   |     |     |       |       | Sec. 339                                |  |

Table 2-1 Principal Use Table

| NAICS Ref.   | Principal Uses ↓   | Zoning Districts → | A-1         | R-R | R-1 | R-2 | R-3 | A/O | CORD | Resort                                   | C-1 | C-3 | C-4 | M-1 | M-2 | MHU-1 | MHU-2              | For Restrictions See Sec.: <sup>1</sup> |  |
|--|--|--------------------|-------------|-----|-----|-----|-----|-----|------|--|-----|-----|-----|-----|-----|-------|--------------------|---|--|
|  |  |                    | A = Allowed |     |     |     |     |     |      | SU= Allowed if Approved as a Special Use |     |     |     |     |     |       | Blank = Prohibited |   |  |
| 446110   | Pharmacies and Drug Stores   |                    |             |     |     |     |     |     |      |  | A   | A   | A   |     |     |       |                    | Sec. 339                                |  |
| 444190   | Plumbing Supply Stores   |                    |             |     |     |     |     |     |      |  | A   |     | A   | A   |     |       |                    | Sec. 339                                |  |
| 311811   | Retail Bakeries  |                    |             |     |     |     |     |     |      |  | A   | A   | A   | A   |     |       |                    | Sec. 339                                |  |
|  | Shopping Centers   |                    |             |     |     |     |     |     |      |  | A   | A   | A   |     |     |       |                    | Sec. 339                                |  |
| 451110   | Sporting Goods Stores  |                    |             |     |     |     |     |     |      |  | A   | A   | A   |     |     |       |                    | Sec. 339                                |  |
| 445110   | Supermarkets and Other Grocery Stores (except Convenience)   |                    |             |     |     |     |     |     |      |  | A   | A   | A   |     |     |       |                    | Sec. 339                                |  |
| 453998   | Swimming Pool and Pool Supply Stores   |                    |             |     |     |     |     |     |      |  | A   |     | A   |     |     |       |                    | Sec. 339                                |  |
| 441320   | Tire Dealers   |                    |             |     |     |     |     |     |      |  | A   |     | A   |     |     |       |                    | Sec. 310                                |  |
| 447190   | Truck Stops  |                    |             |     |     |     |     |     |      |  |     |     | A   | A   |     |       |                    | Sec. 310<br>Sec. 321                    |  |
| 453310   | Used Merchandise Stores (including Antiques, Used Books, Consignment Shops, Second-Hand Clothing, Thrift Shops, Pawnshops); excluding Flea Markets |                    |             |     |     |     |     |     |      |  | A   | A   | A   |     |     |       |                    | Sec. 339                                |  |
| <p><i>For Antique and Used Furniture Sales, see Used Merchandise Stores</i></p> <p><i>For Convenience Stores, see under Gas Stations</i></p> <p><i>For Beer, Liquor, Wine Consumption on premises, see under Food Services and Drinking Places</i></p>   |  |                    |             |     |     |     |     |     |      |  |     |     |     |     |     |       |                    |   |  |
| <p><b>COMMERCIAL SERVICES</b></p> <p><i>(Building Construction Services; Building Services: Specialty Trade Contractors; Printing and Related Support activities; Publishing services; Financial and Insurance services; Rental and Leasing services; Employment and Business services; Security services; Services to Buildings and Dwellings; Accommodation services (hotels); Food and Beverage places and services (restaurants, etc.); Automotive Repair and Maintenance Services; Commercial and Industrial Machinery and Equipment Repair and Maintenance Services; Personal and Household Good Repair and Maintenance Services; Personal Care Services; Drycleaning and Laundry Services; Animal Care Services; Other Personal Care Services</i></p> |  |                    |             |     |     |     |     |     |      |  |     |     |     |     |     |       |                    |   |  |
| 541940   | Animal Hospitals and Veterinary Clinics  |                    |             |     |     |     |     |     |      |  | A   |     | A   |     |     |       |                    | Sec. 339                                |  |
|  | Animal Shelters  | SU                 |             |     |     |     |     |     |      |  | A   |     | A   |     |     |       |                    | Sec. 339                                |  |
| 811412   | Appliance Repair and Maintenance<br><i>(No manufacturing on site)</i>  |                    |             |     |     |     |     |     |      |  | A   | A   | A   |     |     |       |                    | Sec. 339                                |  |
| 531120   | Assembly/Banquet Hall (with or without catering services)  | SU                 |             |     |     |     |     |     |      |  | A   |     | A   |     |     |       |                    | Sec. 307<br>Sec. 339                    |  |
| 531120   | Auditoriums  |                    |             |     |     |     |     |     |      |  | SU  |     | SU  |     |     |       |                    | Sec. 339                                |  |

Table 2-1 Principal Use Table

| NAICS Ref. | Principal Uses ↓  | Zoning Districts → | A-1 | R-R | R-1                                      | R-2 | R-3 | A/O | CORD | Resort | C-1                | C-3 | C-4 | M-1 | M-2 | MHU-1 | MHU-2 | For Restrictions See Sec.: <sup>1</sup> |          |
|------------|---|--------------------|-----|-----|--|-----|-----|-----|------|--------|--------------------|-----|-----|-----|-----|-------|-------|---|----------|
|            |   | A = Allowed        |     |     | SU= Allowed if Approved as a Special Use |     |     |     |      |        | Blank = Prohibited |     |     |     |     |       |       |   |          |
| 811198     | Auto Emission Testing Center  |                    |     |     |  |     |     |     |      |        | A                  |     | A   | A   |     |       |       |   | Sec. 310 |
| 811121     | Automotive Body, Paint, and Interior Repair and Maintenance (includes Window Tinting) |                    |     |     |  |     |     |     |      |        | A                  |     | A   | A   |     |       |       |   | Sec. 310 |
| 811191     | Automotive Oil Change and Lubrication Shops   |                    |     |     |  |     |     |     |      |        | A                  |     | A   |     |     |       |       |   | Sec. 310 |
| 5221       | Banks, Credit Unions and Savings Institutions   |                    |     |     |  |     |     | A   |      |        | A                  | A   | A   |     |     |       |       | Sec. 339                                |          |
| 812111     | Barber Shops  |                    |     |     |  |     |     | A   |      |        | A                  | A   | A   |     |     |       |       | Sec. 339                                |          |
| 812112     | Beauty Salons   |                    |     |     |  |     |     | A   |      |        | A                  | A   | A   |     |     |       |       | Sec. 339                                |          |
| 721191     | Bed and Breakfast Inns  | A                  | A   |     |  |     |     |     |      |        |                    |     |     |     |     |       |       | Sec. 311                                |          |
| 81149      | Bicycle Repair and Maintenance<br><i>(No manufacturing on site)</i>                   |                    |     |     |  |     |     |     |      |        | A                  | A   | A   |     |     |       |       | Sec. 339                                |          |
| 621991     | Blood Banks and Centers   |                    |     |     |  |     |     |     |      |        | A                  |     | A   |     |     |       |       | Sec. 339                                |          |
| 81149      | Boat Repair and Maintenance<br><i>(No manufacturing on site)</i>                      |                    |     |     |  |     |     |     |      |        | A                  |     | A   | A   |     |       |       | Sec. 310                                |          |
| 722511     | Brewpubs  |                    |     |     |  |     |     |     |      |        | A                  | A   | A   |     |     |       |       | Sec. 307<br>Sec. 339                    |          |
| 561439     | Business Service Centers (including Copy Shops and packaging)                         |                    |     |     |  |     |     | A   |      |        | A                  | A   | A   |     |     |       |       | Sec. 339                                |          |
| 811192     | Car Washes and Detailing Services   |                    |     |     |  |     |     |     |      |        | A                  |     | A   |     |     |       |       | Sec. 310                                |          |
| 561740     | Carpet and Upholstery Cleaning Services   |                    |     |     |  |     |     |     |      |        | A                  | A   | A   |     |     |       |       | Sec. 339                                |          |
| 722320     | Catering Services   |                    |     |     |  |     |     | A   |      |        | A                  | A   | A   |     |     |       |       | Sec. 339                                |          |
| 812310     | Coin-Operated Laundries and Drycleaners   |                    |     |     |  |     |     | SU  |      |        | A                  | A   | A   |     |     |       |       | Sec. 339                                |          |
| 531120     | Conference and Training Center  |                    |     |     |  |     |     | SU  |      |        | SU                 |     | SU  |     |     |       |       | Sec. 339                                |          |
| 2361       | Construction & Remodeling Contractors, Builders and Developers                        |                    |     |     |  |     |     |     |      |        | A                  |     | A   | A   |     |       |       | Sec. 339                                |          |
| 722513     | Delicatessens   |                    |     |     |  |     |     |     |      |        | A                  | A   | A   |     |     |       |       | Sec. 339                                |          |
| 812320     | Dry-Cleaning and Laundry Services   |                    |     |     |  |     |     |     |      |        | A                  | A   | A   |     |     |       |       | Sec. 339                                |          |
| 238210     | Electrical Contractors  |                    |     |     |  |     |     |     |      |        | A                  |     | A   | A   |     |       |       | Sec. 339                                |          |
| 5613       | Employment Placement Agencies & Executive Search Services                             |                    |     |     |  |     |     |     |      |        | A                  | A   | A   |     |     |       |       | Sec. 339                                |          |

Table 2-1 Principal Use Table

| NAICS Ref. | Principal Uses ↓  | Zoning Districts → | A-1 | R-R | R-1                                      | R-2 | R-3 | A/O | CORD | Resort             | C-1 | C-3 | C-4 | M-1 | M-2 | MHU-1 | MHU-2 | For Restrictions See Sec.: <sup>1</sup> |  |
|------------|---|--------------------|-----|-----|--|-----|-----|-----|------|--------------------|-----|-----|-----|-----|-----|-------|-------|---|--|
|            |   | A = Allowed        |     |     | SU= Allowed if Approved as a Special Use |     |     |     |      | Blank = Prohibited |     |     |     |     |     |       |       |   |  |
| 561710     | Exterminating and Pest Control Services   |                    |     |     |  |     |     |     |      |                    | A   |     | A   |     |     |       |       | Sec. 339                                |  |
|            | Food Trucks (Overnight Parking)   | A                  | A   | SU  | SU                                       | SU  | A   |     |      | SU                 | A   | A   | A   | A   | A   |       |       | Sec. 320                                |  |
| 812210     | Funeral Homes, Crematories Mortuaries   |                    |     |     |  |     |     |     |      |                    |     |     | A   |     |     |       |       | Sec. 339                                |  |
| 811310     | Garage, Truck and Heavy Equipment Repair<br><i>(repair only; no manufacturing on site)</i>  |                    |     |     |  |     |     |     |      |                    |     |     | A   | A   |     |       |       | Sec. 310                                |  |
| 811111     | General Automotive Repair (includes Automotive Repair Garages)  |                    |     |     |  |     |     |     |      |                    | A   |     | A   | A   |     |       |       | Sec. 310                                |  |
| 5323       | General Rental Centers  |                    |     |     |  |     |     |     |      |                    | A   |     | A   |     |     |       |       | Sec. 339                                |  |
| 811490     | Gunsmith <i>(No manufacturing on site)</i>  |                    |     |     |  |     |     |     |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |
| 811411     | Home and Garden Equipment Repair and Maintenance (i.e., small engine repair shops)<br><i>(No manufacturing on site)</i>                                   |                    |     |     |  |     |     |     |      |                    | A   |     | A   |     |     |       |       | Sec. 339                                |  |
| 721110     | Hotel   |                    |     |     |  |     |     |     |      |                    | A   |     | A   |     |     |       |       | Sec. 339                                |  |
| 812332     | Industrial Launderers   |                    |     |     |  |     |     |     |      |                    |     |     | A   | A   |     |       |       | Sec. 339                                |  |
| 5242       | Insurance Agencies, Brokerages, Actuarial Services, and Claims Adjusting  |                    |     |     |  |     |     | A   |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |
| 812910     | Kennels, commercial   | SU                 |     |     |  |     |     |     | SU   |                    |     |     | SU  |     |     |       |       | Sec. 328                                |  |
| 561730     | Landscaping and Lawn Services   | A                  |     |     |  |     |     |     |      |                    | A   |     | A   |     |     |       |       |   |  |
| 561622     | Locksmiths  |                    |     |     |  |     |     |     |      |                    | A   |     | A   |     |     |       |       | Sec. 339                                |  |
| 721110     | Motel   |                    |     |     |  |     |     |     |      |                    | A   |     | A   |     |     |       |       | Sec. 339                                |  |
| 81149      | Motorcycle Repair and Maintenance<br><i>(No manufacturing on site)</i>  |                    |     |     |  |     |     |     |      |                    | A   |     | A   |     |     |       |       | Sec. 310                                |  |
| 812113     | Nail Salons   |                    |     |     |  |     |     | A   |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |
| 511110     | Newspaper Publishers & Printing   |                    |     |     |  |     |     |     |      |                    | A   |     | A   |     |     |       |       | Sec. 339                                |  |
| 81149      | Other Personal and Household Good Repair and Maintenance (including garments, watches, jewelry, musical instruments)<br><i>(No manufacturing on site)</i> |                    |     |     |  |     |     |     |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |

Table 2-1 Principal Use Table

| NAICS Ref. | Principal Uses ↓   | Zoning Districts → | A-1                                      | R-R | R-1 | R-2 | R-3 | A/O | CORD | Resort             | C-1 | C-3 | C-4 | M-1 | M-2 | MHU-1 | MHU-2 | For Restrictions See Sec.: <sup>1</sup> |  |
|------------|--|--------------------|--|-----|-----|-----|-----|-----|------|--------------------|-----|-----|-----|-----|-----|-------|-------|---|--|
|            |  | A = Allowed        | SU= Allowed if Approved as a Special Use |     |     |     |     |     |      | Blank = Prohibited |     |     |     |     |     |       |       |   |  |
| 2382       | Other Special Trade Contractors: Foundation, Structure, and Building Exterior Contractors; Building Equipment Contractors; and Building Finishing Contractors) |                    |  |     |     |     |     |     |      |                    | A   |     | A   | A   |     |       |       | Sec. 339                                |  |
| 812199     | Personal Care Services   |                    |  |     |     |     |     | A   |      |                    | A   | A   | A   |     |     |       |       |   |  |
|            | Pet Grooming Shops   |                    |  |     |     |     |     |     |      |                    | A   |     | A   |     |     |       |       | Sec. 328                                |  |
| 541921     | Photography Studios, Portrait (including still, video digital, and passports)  |                    |  |     |     |     |     |     |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |
| 238220     | Plumbing, Heating and Air-Conditioning Contractors   |                    |  |     |     |     |     |     |      |                    | A   |     | A   | A   |     |       |       | Sec. 339                                |  |
| 32311      | Printing   |                    |  |     |     |     |     | A   |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |
| 722511     | Restaurants, Full-Service (excluding Brewpubs)   |                    |  |     |     |     |     | A   |      |                    | A   | A   | A   |     |     |       |       | Sec. 307<br>Sec. 339                    |  |
| 722513     | Restaurants, Limited-Service, including Fast Food and Take-Out, with drive-through windows   |                    |  |     |     |     |     |     |      |                    | A   |     | A   |     |     |       |       | Sec. 307<br>Sec. 339                    |  |
| 722513     | Restaurants, Limited-Service, including Fast Food and Take-Out, without drive-through windows  |                    |  |     |     |     |     | A   |      |                    | A   | A   | A   |     |     |       |       | Sec. 307<br>Sec. 339                    |  |
| 811420     | Reupholstery and Furniture Repair<br>(No manufacturing on site)  |                    |  |     |     |     |     |     |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |
|            | RV and Boat Storage  |                    |  |     |     |     |     |     |      |                    | A   |     | A   | A   |     |       |       | Sec. 332                                |  |
| 561621     | Security System Services   |                    |  |     |     |     |     |     |      |                    | A   |     | A   |     |     |       |       | Sec. 339                                |  |
| 531130     | Self-Storage, Mini   |                    |  |     |     |     |     |     |      |                    | A   | SU  | A   | A   |     |       |       | Sec. 339                                |  |
| 811430     | Shoe and Leather Goods Repair<br>(No manufacturing on site)  |                    |  |     |     |     |     |     |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |
|            | Special Events Facility  | SU                 |  |     |     |     |     |     | SU   |                    | SU  |     | SU  |     |     |       |       | Sec. 307<br>Sec. 337                    |  |
|            | Weddings and Receptions, Outdoor   | SU                 |  |     |     |     |     |     |      |                    | SU  |     | SU  |     |     |       |       | Sec. 307<br>Sec. 333                    |  |

Table 2-1 Principal Use Table

| NAICS Ref.  | Principal Uses ↓   | Zoning Districts → | A-1                                      | R-R | R-1 | R-2 | R-3 | A/O | CORD | Resort             | C-1 | C-3 | C-4 | M-1 | M-2 | MHU-1 | MHU-2 | For Restrictions See Sec.: <sup>1</sup> |  |
|---|--|--------------------|--|-----|-----|-----|-----|-----|------|--------------------|-----|-----|-----|-----|-----|-------|-------|---|--|
|   |  | A = Allowed        | SU= Allowed if Approved as a Special Use |     |     |     |     |     |      | Blank = Prohibited |     |     |     |     |     |       |       |   |  |
| 722213  | Specialty Snack Shops and Non-Alcoholic Beverage Bars, including Coffee Shops, Donut Shops, Bagel Shops, and Ice Cream Parlors   |                    |  |     |     |     |     | SU  |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |
| 315210  | Tailors and Dressmakers  |                    |  |     |     |     |     |     |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |
| 811198  | Tire Repair (except retreading; see under Manufacturing, Traditional)  |                    |  |     |     |     |     |     |      |                    | A   |     | A   |     |     |       |       | Sec. 310                                |  |
| 326212  | Tire Retreading, Recapping, or Rebuilding  |                    |  |     |     |     |     |     |      |                    |     |     | A   | A   |     |       |       | Sec. 310                                |  |
| 811310  | Tractor, Farm, or Construction Equipment Repair and Maintenance Services<br><i>(repair only; no manufacturing on site)</i>   |                    |  |     |     |     |     |     |      |                    | A   |     | A   | A   |     |       |       | Sec. 310                                |  |
| 532120  | Truck, Utility Trailer, and RV Rental and Leasing  |                    |  |     |     |     |     |     |      |                    |     |     | A   | A   |     |       |       | Sec. 339                                |  |
|   | For RV Parks and Campgrounds – <i>see under Arts, Entertainment and Recreation</i><br>For automotive accessory sales and/or installation, <i>see under Retail Trade, NAICS Ref. 441 Motor Vehicle and Parts Dealers</i><br>For Fitness Centers, Health Clubs and Recreation Centers, <i>see under Arts, Entertainment and Recreation</i><br>For Landscape Supply Business, <i>see under Retail Trade</i> |                    |  |     |     |     |     |     |      |                    |     |     |     |     |     |       |       |   |  |
| <b>PROFESSIONAL AND ADMINISTRATIVE OFFICES</b>                            |  |                    |  |     |     |     |     |     |      |                    |     |     |     |     |     |       |       |   |  |
| <i>(Professional Offices; Medical Offices; Publishing Offices; Other)</i> |  |                    |  |     |     |     |     |     |      |                    |     |     |     |     |     |       |       |   |  |
| 5412  | Accounting, Tax Preparation, Bookkeeping and Payroll Services  |                    |  |     |     |     |     | A   |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |
| 541810  | Advertising Agencies   |                    |  |     |     |     |     | A   |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |
| 5413  | Architectural, Engineering, Surveying and Related Services   |                    |  |     |     |     |     | A   |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |
| 6213  | Chiropractors  |                    |  |     |     |     |     | A   |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |
| 5415  | Computer Systems Design and Related Services   |                    |  |     |     |     |     | A   |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |
| 55  | Corporate Management Offices   |                    |  |     |     |     |     | A   |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |
| 621210  | Dentist Offices  |                    |  |     |     |     |     | A   |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |
| 52  | Financial Offices  |                    |  |     |     |     |     | A   |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |
| 5414  | Interior Design, Graphic Design and other Specialized Design Services  |                    |  |     |     |     |     | A   |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |
| 5411  | Lawyers, Notaries and Other Legal Services   |                    |  |     |     |     |     | A   |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |



Table 2-1 Principal Use Table

| NAICS Ref.   | Principal Uses ↓   | Zoning Districts → | A-1                                      | R-R | R-1 | R-2 | R-3 | A/O | CORD | Resort             | C-1 | C-3 | C-4 | M-1 | M-2 | MHU-1 | MHU-2 | For Restrictions See Sec.: <sup>1</sup> |  |  |
|--|--|--------------------|--|-----|-----|-----|-----|-----|------|--------------------|-----|-----|-----|-----|-----|-------|-------|---|--|--|
|  |  | A = Allowed        | SU= Allowed if Approved as a Special Use |     |     |     |     |     |      | Blank = Prohibited |     |     |     |     |     |       |       |   |  |  |
| 5416   | Management, Scientific and Technical Consulting Services, including Executive Search and Management Consulting |                    |  |     |     |     |     | A   |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |  |
| 621  | Medical Offices  |                    |  |     |     |     |     | A   |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |  |
| 511110   | Newspaper Publishers & Printing  |                    |  |     |     |     |     |     |      |                    | A   |     | A   |     |     |       |       | Sec. 339                                |  |  |
|  | Optometrists Offices   |                    |  |     |     |     |     | A   |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |  |
|  | Other Medical or Professional Offices  |                    |  |     |     |     |     | A   |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |  |
|  | Misc. Health Practitioners & Massage Therapists  |                    |  |     |     |     |     | A   |      |                    | A   | A   | A   |     |     |       |       | Sec. 316<br>Sec. 339                    |  |  |
| 62111  | Physicians' Offices  |                    |  |     |     |     |     | A   |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |  |
| 511  | Publishing Industries  |                    |  |     |     |     |     |     |      |                    | A   |     | A   | A   |     |       |       | Sec. 339                                |  |  |
| 531  | Real Estate Office   |                    |  |     |     |     |     | A   |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |  |
| 5417   | Scientific Research and Development Services   |                    |  |     |     |     |     | A   |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |  |
|  | Therapists (Physical, Occupational and Speech), Mental Health Practitioners                                    |                    |  |     |     |     |     | A   |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |  |
|  | <i>For printing of materials, see under Manufacturing, Wholesaling and Warehousing</i>                         |                    |  |     |     |     |     |     |      |                    |     |     |     |     |     |       |       |   |  |  |
| <b>ARTS, ENTERTAINMENT AND RECREATION</b>  |  |                    |  |     |     |     |     |     |      |                    |     |     |     |     |     |       |       |   |  |  |
| <i>(Performing Arts and Spectator Sports; Amusements and Recreation (Indoor, Outdoor, with lodging); Museums, Historical Sites, and Similar Institutions; Other Arts, Entertainment and Recreation Uses)</i> |  |                    |  |     |     |     |     |     |      |                    |     |     |     |     |     |       |       |   |  |  |
| 713110   | Amusement and Fun Parks, Indoor  |                    |  |     |     |     |     |     | SU   |                    | A   |     | A   |     |     |       |       | Sec. 339                                |  |  |
| 713110   | Amusement and Theme Parks  |                    |  |     |     |     |     |     | SU   |                    |     |     | SU  |     |     |       |       | Sec. 339                                |  |  |
| 713990   | Archery or Shooting Ranges, Outdoor  |                    |  |     |     |     |     |     | SU   |                    |     |     |     |     |     |       |       | Sec. 325                                |  |  |
| 711310   | Arena, Stadium, or Other Facility for Presenting Sporting Events   | SU                 |  |     |     |     |     |     |      |                    | SU  |     | SU  |     |     |       |       | Sec. 339                                |  |  |
| 713990   | Billiard/Pool Halls  |                    |  |     |     |     |     |     |      |                    | A   |     | A   |     |     |       |       | Sec. 339                                |  |  |
| 713990   | Boat Ramps and Launching Sites   |                    |  |     |     |     |     |     | A    | A                  | A   |     | A   | A   |     |       |       | Sec. 313                                |  |  |
| 7121   | Botanical Gardens and Nature Parks   | SU                 |  |     |     |     |     |     | SU   |                    | A   |     | A   |     |     |       |       | Sec. 313                                |  |  |
| 713950   | Bowling Alleys   |                    |  |     |     |     |     |     |      |                    | A   |     | A   |     |     |       |       | Sec. 339                                |  |  |
| 721211   | Campgrounds (tents and RVs)  |                    |  |     |     |     |     |     | SU   |                    |     |     |     |     |     |       |       | Sec. 313                                |  |  |

Table 2-1 Principal Use Table

| NAICS Ref. | Principal Uses ↓  | Zoning Districts → | A-1 | R-R | R-1                                      | R-2 | R-3 | A/O | CORD | Resort | C-1                | C-3 | C-4 | M-1 | M-2 | MHU-1 | MHU-2 | For Restrictions See Sec.: <sup>1</sup> |  |
|------------|---|--------------------|-----|-----|--|-----|-----|-----|------|--------|--------------------|-----|-----|-----|-----|-------|-------|---|--|
|            |   | A = Allowed        |     |     | SU= Allowed if Approved as a Special Use |     |     |     |      |        | Blank = Prohibited |     |     |     |     |       |       |   |  |
| 713940     | Fitness Centers, Health Clubs, Gymnasiums, and Recreation Centers (includes Non-Profit facilities, e.g. YMCA) |                    |     |     |  |     |     | A   |      |        | A                  | A   | A   |     |     |       |       | Sec. 339                                |  |
| 713910     | Golf Courses, with or without a Country Club (except miniature golf or putt-putt)                             |                    |     |     |  |     |     |     | SU   |        |                    |     |     |     |     |       |       | Sec. 334                                |  |
| 713990     | Golf Driving Range, not associated with a Golf Course   |                    |     |     |  |     |     |     | SU   |        |                    |     |     |     |     |       |       | Sec. 334                                |  |
| 519120     | Libraries   |                    | SU  | SU  | SU                                       | SU  |     |     |      |        | SU                 | SU  | SU  |     |     |       |       | Sec. 339                                |  |
| 713930     | Marinas   |                    |     |     |  |     |     |     |      | A      | A                  |     | A   | A   |     |       |       | Sec. 339                                |  |
| 713990     | Miniature Golf Course   |                    |     |     |  |     |     |     | A    |        | A                  |     | A   |     |     |       |       | Sec. 339                                |  |
| 512131     | Motion Picture Theaters (except Drive-Ins)  |                    |     |     |  |     |     |     |      |        | A                  |     | A   |     |     |       |       | Sec. 339                                |  |
| 512132     | Motion Picture Theaters, Drive-In   |                    |     |     |  |     |     |     |      |        |                    |     | SU  |     |     |       |       | Sec. 317                                |  |
| 7121       | Museums and Commercial Historical Sites, including non-retail Art Galleries                                   | SU                 |     |     |  |     |     |     |      |        | A                  |     | A   |     |     |       |       | Sec. 339                                |  |
| 7111       | Outdoor Amphitheater  | SU                 |     |     |  |     |     |     | SU   |        |                    |     | SU  |     |     |       |       | Sec. 330                                |  |
| 7111       | Performing Arts Theater: Drama, Dance, Music, Comedy (excludes outdoor amphitheaters)                         |                    |     |     |  |     |     |     |      |        | A                  |     | A   |     |     |       |       | Sec. 339                                |  |
| 721214     | Recreational and Vacation Camps, including Lodges and Retreats (with lodging and food service)                | SU                 |     |     |  |     |     |     | SU   | SU     |                    |     |     |     |     |       |       | Sec. 313                                |  |
| 713940     | Recreational Courts, commercial   | SU                 |     |     |  |     |     |     | A    |        | A                  |     | A   |     |     |       |       | Sec. 334                                |  |
| 713990     | Recreational or Youth Sports Teams Fields, commercial   | SU                 |     |     |  |     |     |     | SU   |        | SU                 |     | SU  |     |     |       |       | Sec. 334                                |  |
| 713940     | Roller Skating Rink   |                    |     |     |  |     |     |     |      |        | A                  |     | A   |     |     |       |       | Sec. 339                                |  |
| 721211     | RV (Recreational Vehicle) Parks   |                    |     |     |  |     |     |     | SU   |        |                    |     |     |     |     |       |       | Sec. 313                                |  |
| 713990     | Sexually Oriented Businesses (Adult Entertainment)  |                    |     |     |  |     |     |     |      |        |                    |     |     |     | A   |       |       | Sec. 305                                |  |
| 713990     | Shooting Ranges, Indoor   | SU                 |     |     |  |     |     |     |      |        | SU                 |     | SU  |     |     |       |       | Sec. 339                                |  |
| 711510     | Taxidermists  | SU                 |     |     |  |     |     |     |      |        |                    |     | SU  | SU  | SU  |       |       | Sec. 339                                |  |

Table 2-1 Principal Use Table

| NAICS Ref.   | Principal Uses ↓   | Zoning Districts → | A-1                                      | R-R | R-1 | R-2 | R-3 | A/O | CORD | Resort             | C-1 | C-3 | C-4 | M-1 | M-2 | MHU-1 | MHU-2 | For Restrictions See Sec.: <sup>1</sup> |  |
|--|--|--------------------|--|-----|-----|-----|-----|-----|------|--------------------|-----|-----|-----|-----|-----|-------|-------|---|--|
|  |  | A = Allowed        | SU= Allowed if Approved as a Special Use |     |     |     |     |     |      | Blank = Prohibited |     |     |     |     |     |       |       |   |  |
| <b>MANUFACTURING, WHOLESALING AND WAREHOUSING</b>  |  |                    |  |     |     |     |     |     |      |                    |     |     |     |     |     |       |       |   |  |
| <i>(Warehousing and Storage (excluding storage of explosives and animal hides); Wholesale Trade; Industrial Manufacturing (excluding processes using smelting, blast furnaces, and boiler works); Artisan Manufacturing (enclosed facilities and storage; with or without retail sales) ; Beverage Manufacturing; Mining and Quarries)</i> |  |                    |  |     |     |     |     |     |      |                    |     |     |     |     |     |       |       |   |  |
| 325520   | Adhesive Manufacturing   |                    |  |     |     |     |     |     |      |                    |     |     |     | SU  | SU  |       |       | Sec. 339                                |  |
| 3364   | Aircraft and Parts Manufacturing   |                    |  |     |     |     |     |     |      |                    |     |     |     |     | A   |       |       | Sec. 339                                |  |
| 3111   | Animal Food Manufacturing  |                    |  |     |     |     |     |     |      |                    |     |     |     | SU  | SU  |       |       | Sec. 339                                |  |
| 3116   | Animal Slaughtering and Processing   |                    |  |     |     |     |     |     |      |                    |     |     |     | SU  | SU  |       |       | Sec. 339                                |  |
| 315  | Apparel Manufacturing, excluding Tailors and Dressmakers (see under Commercial Services: Other Personal Services)  |                    |  |     |     |     |     |     |      |                    |     |     |     |     | A   |       |       | Sec. 339                                |  |
| 334512   | Automatic Environmental Control Manufacturing for Residential, Commercial, and Appliance Use   |                    |  |     |     |     |     |     |      |                    |     |     |     |     | A   |       |       | Sec. 339                                |  |
| 3118   | Bakeries & Tortilla Manufacturing  |                    |  |     |     |     |     |     |      |                    |     |     |     | A   |     |       |       | Sec. 339                                |  |
| 3251   | Basic Chemical Manufacturing (including Acetylene Gas, Ammonia, Chlorine Gas, Bleaching Powder, Mineral Dye, Paint, Shellac, Turpentine, and Varnish); excluding the manufacture of Acid, Adhesives/Glue, Explosives, and Fertilizer |                    |  |     |     |     |     |     |      |                    |     |     |     | SU  | SU  |       |       | Sec. 339                                |  |
| 424810   | Beer and Ale Merchant Wholesalers  |                    |  |     |     |     |     |     |      |                    |     |     | A   | A   |     |       |       | Sec. 339                                |  |
| 312112   | Beverage Manufacturing (non-alcoholic)   |                    |  |     |     |     |     |     |      |                    |     |     |     | A   |     |       |       | Sec. 339                                |  |
| 32721  | Blown Glass Artisans/Craftsmen Studios ( <i>enclosed facilities and storage; with or without retail sales</i> )  |                    |  |     |     |     |     |     |      |                    | A   |     | A   | A   |     |       |       | Sec. 339                                |  |
| 336612   | Boats Manufacturing Facilities   |                    |  |     |     |     |     |     |      |                    |     |     |     |     | A   |       |       | Sec. 339                                |  |
| 3231   | Books and Newspaper Printing and Related Support Activities, including Book Binding  |                    |  |     |     |     |     |     |      |                    |     |     |     | A   |     |       |       | Sec. 339                                |  |
| 312120   | Breweries  |                    |  |     |     |     |     |     |      |                    |     |     | A   | A   | A   |       |       | Sec. 307<br>Sec. 339                    |  |
| 339994   | Broom, Brush, and Mop Manufacturing  |                    |  |     |     |     |     |     |      |                    |     |     |     | A   |     |       |       | Sec. 339                                |  |
| 311314   | Cane Sugar Manufacturing (sugarcane refining)  |                    |  |     |     |     |     |     |      |                    |     |     |     | SU  | SU  |       |       | Sec. 339                                |  |

Table 2-1 Principal Use Table

| NAICS Ref. | Principal Uses ↓  | Zoning Districts → | A-1 | R-R | R-1                                      | R-2 | R-3 | A/O | CORD | Resort | C-1                | C-3 | C-4 | M-1 | M-2 | MHU-1 | MHU-2 | For Restrictions See Sec.: <sup>1</sup> |  |
|------------|---|--------------------|-----|-----|--|-----|-----|-----|------|--------|--------------------|-----|-----|-----|-----|-------|-------|---|--|
|            |   | A = Allowed        |     |     | SU= Allowed if Approved as a Special Use |     |     |     |      |        | Blank = Prohibited |     |     |     |     |       |       |   |  |
| 33991      | Carbon and Graphite Product Manufacturing                       |                    |     |     |  |     |     |     |      |        |                    |     |     | SU  | SU  |       |       | Sec. 339                                |  |
| 327310     | Cement Manufacturing  |                    |     |     |  |     |     |     |      |        |                    |     |     | SU  | SU  |       |       | Sec. 339                                |  |
| 327120     | Clay Building Material and Refractories Manufacturing           |                    |     |     |  |     |     |     |      |        |                    |     |     | SU  | SU  |       |       | Sec. 339                                |  |
| 311920     | Coffee and Tea Manufacturing                                    |                    |     |     |  |     |     |     |      |        |                    |     |     | SU  | SU  |       |       | Sec. 339                                |  |
| 3231       | Commercial Printing, Screen                                     |                    |     |     |  |     |     |     |      |        |                    |     | A   | A   |     |       |       | Sec. 339                                |  |
| 327331     | Concrete Block and Brick Manufacturing                          |                    |     |     |  |     |     |     |      |        |                    |     |     |     | A   |       |       | Sec. 339                                |  |
| 3273       | Concrete Product Manufacturing                                  |                    |     |     |  |     |     |     |      |        |                    |     |     |     | A   |       |       | Sec. 339                                |  |
| 325620     | Cosmetics and Toiletries Manufacturing                          |                    |     |     |  |     |     |     |      |        |                    |     |     |     | A   |       |       | Sec. 339                                |  |
| 115111     | Cotton Ginning  |                    |     |     |  |     |     |     |      |        |                    |     |     |     | A   |       |       | Sec. 339                                |  |
| 337212     | Custom Architectural Woodwork and Millwork Craftsmen Studios    |                    |     |     |  |     |     |     |      |        |                    |     | A   | A   | A   |       |       | Sec. 339                                |  |
| 337110     | Custom Cabinet Shop   |                    |     |     |  |     |     |     |      |        | A                  |     | A   | A   | A   |       |       | Sec. 339                                |  |
| 327991     | Cut Stone and Stone Product Manufacturing                       |                    |     |     |  |     |     |     |      |        |                    |     |     | SU  | SU  |       |       | Sec. 339                                |  |
| 3322       | Cutlery and Handtool Manufacturing                              |                    |     |     |  |     |     |     |      |        |                    |     |     |     | A   |       |       | Sec. 339                                |  |
| 3115       | Dairy Product Manufacturing                                     |                    |     |     |  |     |     |     |      |        |                    |     |     | A   |     |       |       | Sec. 339                                |  |
| 312140     | Distilleries  |                    |     |     |  |     |     |     |      |        |                    |     | SU  | A   | A   |       |       | Sec. 307<br>Sec. 339                    |  |
| 493        | Distribution Center   |                    |     |     |  |     |     |     |      |        |                    |     | A   | A   | A   |       |       | Sec. 339                                |  |
| 339930     | Doll, Toy and Game Manufacturing                                |                    |     |     |  |     |     |     |      |        |                    |     |     |     | A   |       |       | Sec. 339                                |  |
| 335        | Electrical Equipment, Appliance, and Component Manufacturing    |                    |     |     |  |     |     |     |      |        |                    |     |     |     | A   |       |       | Sec. 339                                |  |
| 3336       | Engine, Turbine, and Power Transmission Equipment Manufacturing |                    |     |     |  |     |     |     |      |        |                    |     |     |     | A   |       |       | Sec. 339                                |  |
| 325920     | Explosives Manufacturing  |                    |     |     |  |     |     |     |      |        |                    |     |     | SU  | SU  |       |       | Sec. 339                                |  |
| 332        | Fabricated Metal Product Manufacturing                          |                    |     |     |  |     |     |     |      |        |                    |     |     |     | A   |       |       | Sec. 339                                |  |
| 423820     | Farm Machinery Sales  |                    |     |     |  |     |     |     |      |        |                    |     | A   | A   | A   |       |       | Sec. 339                                |  |

Table 2-1 Principal Use Table

| NAICS Ref. | Principal Uses ↓  | Zoning Districts → | A-1                                      | R-R | R-1 | R-2 | R-3 | A/O | CORD | Resort             | C-1 | C-3 | C-4 | M-1 | M-2 | MHU-1 | MHU-2 | For Restrictions See Sec.: <sup>1</sup> |  |
|------------|---|--------------------|--|-----|-----|-----|-----|-----|------|--------------------|-----|-----|-----|-----|-----|-------|-------|---|--|
|            |   | A = Allowed        | SU= Allowed if Approved as a Special Use |     |     |     |     |     |      | Blank = Prohibited |     |     |     |     |     |       |       |   |  |
|            | <i>For Farm Wineries, see under Agricultural Uses</i>   |                    |  |     |     |     |     |     |      |                    |     |     |     |     |     |       |       |   |  |
|            | Fuel Storage  |                    |  |     |     |     |     |     |      |                    |     |     | SU  | SU  | SU  |       |       | Sec. 339                                |  |
| 337        | Furniture and Related Products Manufacturing (including wood and metal products)                  |                    |  |     |     |     |     |     |      |                    |     |     |     |     | A   |       |       | Sec. 339                                |  |
| 493110     | General Warehousing and Indoor Storage (excluding self-storage)                                   |                    |  |     |     |     |     |     |      |                    |     |     | A   | A   | A   |       |       | Sec. 339                                |  |
| 3272       | Glass and Glass Product Manufacturing   |                    |  |     |     |     |     |     |      |                    |     |     |     |     | A   |       |       | Sec. 339                                |  |
| 327213     | Glass Container Manufacturing   |                    |  |     |     |     |     |     |      |                    |     |     |     | A   |     |       |       | Sec. 339                                |  |
| 3112       | Grain and Oilseed Milling   |                    |  |     |     |     |     |     |      |                    |     |     |     | A   |     |       |       | Sec. 339                                |  |
| 325194     | Gum and Wood Chemicals Manufacturing  |                    |  |     |     |     |     |     |      |                    |     |     |     |     | A   |       |       | Sec. 339                                |  |
| 327420     | Gypsum Product Manufacturing  |                    |  |     |     |     |     |     |      |                    |     |     |     | SU  | SU  |       |       | Sec. 339                                |  |
| 3325       | Hardware Manufacturing  |                    |  |     |     |     |     |     |      |                    |     |     |     |     | A   |       |       | Sec. 339                                |  |
| 3352       | Household Appliance Manufacturing   |                    |  |     |     |     |     |     |      |                    |     |     |     |     | A   |       |       | Sec. 339                                |  |
| 312113     | Ice Manufacturing   |                    |  |     |     |     |     |     |      |                    |     |     | A   | A   |     |       |       | Sec. 339                                |  |
| 333413     | Industrial and Commercial Fan and Blower and Air Purification Equipment Manufacturing             |                    |  |     |     |     |     |     |      |                    |     |     |     |     | A   |       |       | Sec. 339                                |  |
| 3311       | Iron and Steel Mills and Ferroalloy Manufacturing   |                    |  |     |     |     |     |     |      |                    |     |     |     | SU  | SU  |       |       | Sec. 339                                |  |
| 339910     | Jewelry & Silverware Manufacturing  |                    |  |     |     |     |     |     |      |                    |     |     |     | A   | A   |       |       | Sec. 339                                |  |
| 33991      | Jewelry Artisan/Craftsmen Studios (enclosed facilities and storage; with or without retail sales) |                    |  |     |     |     |     |     |      |                    | A   | A   | A   |     |     |       |       | Sec. 339                                |  |
| 562212     | Landfill, Inert Waste Disposal  |                    |  |     |     |     |     |     |      |                    |     |     |     | SU  | SU  |       |       | Sec. 326                                |  |
| 316        | Leather and Allied Product Manufacturing,   |                    |  |     |     |     |     |     |      |                    |     |     |     |     | SU  |       |       | Sec. 339                                |  |
| 316110     | Leather and Hide Tanning and Finishing  |                    |  |     |     |     |     |     |      |                    |     |     |     | SU  | SU  |       |       | Sec. 339                                |  |
| 327410     | Lime Manufacturing  |                    |  |     |     |     |     |     |      |                    |     |     |     | SU  | SU  |       |       | Sec. 339                                |  |
| 314999     | Luggage Manufacturing   |                    |  |     |     |     |     |     |      |                    |     |     |     |     | A   |       |       | Sec. 339                                |  |
| 325998     | Matches and Match Books Manufacturing   |                    |  |     |     |     |     |     |      |                    |     |     |     | SU  | SU  |       |       | Sec. 339                                |  |

Table 2-1 Principal Use Table

| NAICS Ref. | Principal Uses ↓  | Zoning Districts → | A-1 | R-R | R-1                                      | R-2 | R-3 | A/O | CORD | Resort | C-1                | C-3 | C-4 | M-1 | M-2 | MHU-1 | MHU-2 | For Restrictions See Sec.: <sup>1</sup> |  |
|------------|---|--------------------|-----|-----|--|-----|-----|-----|------|--------|--------------------|-----|-----|-----|-----|-------|-------|---|--|
|            |   | A = Allowed        |     |     | SU= Allowed if Approved as a Special Use |     |     |     |      |        | Blank = Prohibited |     |     |     |     |       |       |   |  |
| 3391       | Medical Equipment and Supplies Manufacturing  |                    |     |     |  |     |     |     |      |        |                    |     |     | A   |     |       |       | Sec. 339                                |  |
| 423110     | Medium- and Heavy-Duty Trucks, Bus, and Similar Motor Vehicle Dealer  |                    |     |     |  |     |     |     |      |        |                    |     | A   | A   |     |       |       | Sec. 332                                |  |
| 332431     | Metal Can Manufacturing   |                    |     |     |  |     |     |     |      |        |                    |     |     |     | A   |       |       | Sec. 339                                |  |
| 3315       | Metal Casting & Processing (Foundries)  |                    |     |     |  |     |     |     |      |        |                    |     |     | SU  | SU  |       |       | Sec. 339                                |  |
| 332119     | Metal Stampings (except automotive, cans, coins)  |                    |     |     |  |     |     |     |      |        |                    |     |     |     | A   |       |       | Sec. 339                                |  |
|            | Microbreweries  |                    |     |     |  |     |     |     |      |        | A                  |     | A   | A   |     |       |       | Sec. 307<br>Sec. 339                    |  |
| 2123       | Mining & Quarrying (Rock & Minerals)  |                    |     |     |  |     |     |     |      |        |                    |     |     |     | SU  |       |       | Sec. 332                                |  |
| 238910     | Mining and Excavation (Topsoil & Fill Dirt)   | SU                 |     |     |  |     |     |     |      |        |                    |     |     | SU  | SU  |       |       |   |  |
| 3362       | Motor Vehicle Body and Trailer Manufacturing  |                    |     |     |  |     |     |     |      |        |                    |     |     |     | A   |       |       | Sec. 339                                |  |
| 3361       | Motor Vehicle Manufacturing   |                    |     |     |  |     |     |     |      |        |                    |     |     |     | A   |       |       | Sec. 339                                |  |
| 3363       | Motor Vehicle Parts Manufacturing   |                    |     |     |  |     |     |     |      |        |                    |     |     |     | A   |       |       | Sec. 339                                |  |
| 336991     | Motorcycle, Bicycle, and Parts Manufacturing  |                    |     |     |  |     |     |     |      |        |                    |     |     |     | A   |       |       | Sec. 339                                |  |
| 339992     | Musical Instrument Manufacturing  |                    |     |     |  |     |     |     |      |        |                    |     |     |     | A   |       |       | Sec. 339                                |  |
| 423410     | Office Equipment and Supplies Merchant Wholesalers  |                    |     |     |  |     |     |     |      |        | A                  |     | A   | A   |     |       |       | Sec. 339                                |  |
| 33232      | Ornamental and Architectural Metal Work Artists/Craftsmen Studios (enclosed facilities and storage; with or without retail sales) |                    |     |     |  |     |     |     |      |        | A                  |     | A   | A   | A   |       |       | Sec. 339                                |  |
| 321918     | Other Millwork (including Flooring)   |                    |     |     |  |     |     |     |      |        |                    |     |     | A   | A   |       |       | Sec. 339                                |  |
| 32619      | Other Plastics Product Manufacturing (including floor coverings)  |                    |     |     |  |     |     |     |      |        |                    |     |     | A   |     |       |       | Sec. 339                                |  |
| 325510     | Paint and Coating Manufacturing   |                    |     |     |  |     |     |     |      |        |                    |     |     | SU  | SU  |       |       | Sec. 339                                |  |
| 322        | Paper and Pulp Manufacturing  |                    |     |     |  |     |     |     |      |        |                    |     |     | SU  | SU  |       |       | Sec. 339                                |  |
| 3253       | Pesticide, Fertilizer, and Other Agricultural Chemical Manufacturing  |                    |     |     |  |     |     |     |      |        |                    |     |     | SU  | SU  |       |       | Sec. 339                                |  |

Table 2-1 Principal Use Table

| NAICS Ref.   | Principal Uses ↓   | Zoning Districts → | A-1                                      | R-R | R-1 | R-2 | R-3 | A/O | CORD | Resort             | C-1 | C-3 | C-4 | M-1 | M-2 | MHU-1 | MHU-2 | For Restrictions See Sec.: <sup>1</sup> |  |
|--|--|--------------------|--|-----|-----|-----|-----|-----|------|--------------------|-----|-----|-----|-----|-----|-------|-------|---|--|
|  |  | A = Allowed        | SU= Allowed if Approved as a Special Use |     |     |     |     |     |      | Blank = Prohibited |     |     |     |     |     |       |       |   |  |
| 324  | Petroleum and Coal Products Manufacturing (including gas, coal, coke, or related tar products) |                    |  |     |     |     |     |     |      |                    |     |     |     | SU  | SU  |       |       | Sec. 339                                |  |
| 325412   | Pharmaceutical Preparation Manufacturing   |                    |  |     |     |     |     |     |      |                    |     |     |     |     | A   |       |       | Sec. 339                                |  |
| 333316   | Photographic and Photocopying Equipment Manufacturing  |                    |  |     |     |     |     |     |      |                    |     |     |     |     | A   |       |       | Sec. 339                                |  |
| 3261   | Plastics Product Manufacturing   |                    |  |     |     |     |     |     |      |                    |     |     |     |     | A   |       |       | Sec. 339                                |  |
| 32711  | Pottery and Ceramics Artisans/Craftsmen Studios  |                    |  |     |     |     |     |     |      |                    | A   |     | A   | A   |     |       |       | Sec. 339                                |  |
| 327110   | Pottery, Ceramics, and Plumbing Fixture Manufacturing (including porcelain products)           |                    |  |     |     |     |     |     |      |                    |     |     |     |     | A   |       |       | Sec. 339                                |  |
| 334220   | Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing          |                    |  |     |     |     |     |     |      |                    |     |     |     |     | A   |       |       | Sec. 339                                |  |
| 336510   | Railroad Rolling Stock Manufacturing   |                    |  |     |     |     |     |     |      |                    |     |     |     | SU  | SU  |       |       | Sec. 339                                |  |
| 3262   | Rubber Product Manufacturing   |                    |  |     |     |     |     |     |      |                    |     |     |     | SU  | SU  |       |       | Sec. 339                                |  |
| 423140   | Salvage/ Storage/Junk Yard Facility  |                    |  |     |     |     |     |     |      |                    |     |     |     | SU  | SU  |       |       | Sec. 327                                |  |
| 339950   | Sign Manufacturing   |                    |  |     |     |     |     |     |      |                    |     |     |     | A   |     |       |       | Sec. 339                                |  |
| 332992   | Small Arms Ammunition Manufacturing  |                    |  |     |     |     |     |     |      |                    |     |     |     | SU  | SU  |       |       | Sec. 339                                |  |
| 325611   | Soap and Other Detergent Manufacturing   |                    |  |     |     |     |     |     |      |                    |     |     |     | SU  | SU  |       |       | Sec. 339                                |  |
| 3113   | Sugar Manufacturing (i.e, Candy and Other Confectionery Products)                              |                    |  |     |     |     |     |     |      |                    |     |     |     | A   |     |       |       | Sec. 339                                |  |
| 313  | Textile Mills  |                    |  |     |     |     |     |     |      |                    |     |     |     | A   |     |       |       | Sec. 339                                |  |
| 314  | Textile Product Mills (including carpet, rug, curtain and linen, canvas, etc.)                 |                    |  |     |     |     |     |     |      |                    |     |     |     | A   |     |       |       | Sec. 339                                |  |
| 312230   | Tobacco Manufacturing  |                    |  |     |     |     |     |     |      |                    |     |     |     |     | A   |       |       | Sec. 339                                |  |
| 334519   | Watches, Clocks, Clockwork-Operated Devices and Parts Manufacturing                            |                    |  |     |     |     |     |     |      |                    |     |     |     | A   |     |       |       | Sec. 339                                |  |
| 42   | Wholesaler (with or without storage)   |                    |  |     |     |     |     |     |      |                    |     |     | A   | A   |     |       |       | Sec. 339                                |  |
| 321  | Wood Product Manufacturing and Sawmills  |                    |  |     |     |     |     |     |      |                    |     |     |     | SU  | A   |       |       | Sec. 339                                |  |
| <b>TRANSPORTATION, COMMUNICATION AND UTILITIES</b> |  |                    |  |     |     |     |     |     |      |                    |     |     |     |     |     |       |       |   |  |

Table 2-1 Principal Use Table

| NAICS Ref. | Principal Uses ↓  | Zoning Districts → | A-1 | R-R | R-1                                      | R-2 | R-3 | A/O | CORD | Resort | C-1                | C-3 | C-4 | M-1 | M-2 | MHU-1 | MHU-2 | For Restrictions See Sec.: <sup>1</sup> |  |
|------------|---|--------------------|-----|-----|--|-----|-----|-----|------|--------|--------------------|-----|-----|-----|-----|-------|-------|---|--|
|            |   | A = Allowed        |     |     | SU= Allowed if Approved as a Special Use |     |     |     |      |        | Blank = Prohibited |     |     |     |     |       |       |   |  |
| 488190     | Aircraft Maintenance & Repair Services  |                    |     |     |  |     |     |     |      |        |                    |     | A   |     |     |       |       | Sec. 310                                |  |
| 4811       | Airport, commercial   | SU                 |     |     |  |     |     |     |      |        |                    |     |     |     |     |       |       | Sec. 306                                |  |
| 5152       | Cable and Other Subscription Distribution   |                    |     |     |  |     |     |     |      |        | A                  | A   | A   |     |     |       |       | Sec. 339                                |  |
|            | Courier and Express Delivery Services (FedEx, UPS), sorting and forwarding ("UPS Store" would be classified under Commercial Services, NAICS Ref. 56143 Business Service Centers) |                    |     |     |  |     |     |     |      |        |                    |     | A   | A   | A   |       |       | Sec. 339                                |  |
| 484110     | General Freight Trucking  |                    |     |     |  |     |     |     |      |        |                    |     | A   | A   |     |       |       | Sec. 332                                |  |
| 812930     | Holding Lot   |                    |     |     |  |     |     |     |      |        |                    |     |     | A   | AS  |       |       |   |  |
| 488410     | Motor Vehicle Towing and Wrecker Services (excluding long-term storage of vehicles)   |                    |     |     |  |     |     |     |      |        |                    |     | A   | A   | A   |       |       | Sec. 339                                |  |
| 484210     | Moving Services (Used Household and Office Goods Moving)  |                    |     |     |  |     |     |     |      |        |                    |     | A   | A   |     |       |       | Sec. 339                                |  |
| 491110     | Postal Service  |                    |     |     |  |     |     | A   |      |        | A                  | A   | A   |     |     |       |       | Sec. 339                                |  |
| 4812       | Private Airstrip / Aircraft Landing Area  | SU                 |     |     |  |     |     |     |      |        |                    |     |     |     |     |       |       |   |  |
| 5151       | Radio and Television Broadcasting Stations  |                    |     |     |  |     |     |     |      |        | A                  | A   | A   |     |     |       |       | Sec. 339                                |  |
|            | Radio and Television Transmitter and Tower  | SU                 | SU  |     | SU                                       | SU  | SU  | SU  | SU   | SU     | SU                 | SU  | SU  | SU  | SU  | SU    | SU    | Sec. 341                                |  |
|            | Railroad Freight Station  |                    |     |     |  |     |     |     |      |        |                    |     | A   | A   | A   |       |       | Sec. 339                                |  |
|            | Railroad Passenger Station  |                    |     |     |  |     |     |     |      |        |                    |     | A   | A   | A   |       |       | Sec. 39                                 |  |
| 488210     | Railroad Terminal   |                    |     |     |  |     |     |     |      |        |                    |     | A   | A   |     |       |       | Sec. 310                                |  |
| 485999     | Shuttle Services, Vanpools and Other Ground Passenger Transportation  |                    |     |     |  |     |     |     |      |        | A                  |     | A   |     |     |       |       | Sec. 339                                |  |
| 485991     | Special Needs Transportation  |                    |     |     |  |     |     |     |      |        | A                  |     | A   |     |     |       |       | Sec. 339                                |  |
| 4853       | Taxi and Limousine Service  |                    |     |     |  |     |     |     |      |        | A                  |     | A   |     |     |       |       | Sec. 339                                |  |
| 5179       | Telecommunication Support Structures (i.e., cell towers);   | SU                 | SU  |     | SU                                       | SU  | SU  | SU  | SU   | SU     | SU                 | SU  | SU  | SU  | SU  | SU    | SU    | Sec. 341                                |  |
| 488490     | Truck Terminal  |                    |     |     |  |     |     |     |      |        |                    |     | A   | A   |     |       |       | Sec. 332                                |  |
|            | Utility, Private  |                    |     |     |  |     |     |     |      |        |                    |     |     |     |     |       |       |   |  |



Table 2-1 Principal Use Table

| NAICS Ref. | Principal Uses ↓  | Zoning Districts → | A-1                                      | R-R | R-1 | R-2 | R-3 | A/O | CORD | Resort             | C-1 | C-3 | C-4 | M-1 | M-2 | MHU-1 | MHU-2 | For Restrictions See Sec.: <sup>1</sup> |  |
|------------|---|--------------------|--|-----|-----|-----|-----|-----|------|--------------------|-----|-----|-----|-----|-----|-------|-------|---|--|
|            |   | A = Allowed        | SU= Allowed if Approved as a Special Use |     |     |     |     |     |      | Blank = Prohibited |     |     |     |     |     |       |       |   |  |
|            | Utility, Public   |                    |  |     |     |     |     |     |      |                    |     |     |     |     |     |       |       |   |  |
|            | Utility, Wholesale  |                    |  |     |     |     |     |     |      |                    |     |     |     |     |     |       |       |   |  |
| 517312     | Wireless Telecommunication Carriers (excluding Retailing New Cellular Phone Telephones and Communication Service Plans; see under Retail Trade) |                    |  |     |     |     |     |     |      |                    | A   | A   | A   |     |     |       |       | Sec. 341                                |  |
|            | With major generating facility  |                    |  |     |     |     |     |     |      |                    |     |     | SU  | SU  | SU  |       |       | Sec. 341                                |  |
|            | With minor generating facility  | SU                 |  |     |     |     |     |     |      |                    |     |     | SU  | SU  | SU  |       |       | Sec. 341                                |  |
|            | With no generating facility   | SU                 | SU                                       | SU  | SU  | SU  | SU  | SU  | SU   | SU                 | SU  | SU  | SU  | SU  | SU  | SU    | SU    | Sec. 341                                |  |
|            | For Impound Lots, see <i>Salvage/ Storage/Junk Yard Facility</i> under Warehousing and Storage  |                    |  |     |     |     |     |     |      |                    |     |     |     |     |     |       |       |   |  |

Table 2-2 Accessory and Temporary Use Table

| NAICS Ref.     | Accessory & Temporary Uses ↓ Zoning Districts →  | A-1         | R-R | R-1 | R-2                                      | R-3 | A/O | CORD | Resort | C-1                | C-3 | C-4 | M-1 | M-2 | MHU-1 | MHU-2 | For Restrictions See Sec. <sup>2</sup> |  |
|----------------|--|-------------|-----|-----|--|-----|-----|------|--------|--------------------|-----|-----|-----|-----|-------|-------|--|--|
|                |  | A = Allowed |     |     | SU= Allowed if Approved as a Special Use |     |     |      |        | Blank = Prohibited |     |     |     |     |       |       |  |  |
| ACCESSORY USES |  |             |     |     |  |     |     |      |        |                    |     |     |     |     |       |       |  |  |
|                | <b>Agricultural Accessory Uses</b>   |             |     |     |  |     |     |      |        |                    |     |     |     |     |       |       |  |  |
|                | Accessory Structures Customary to a Working Farm, such as a barn, stable, silo, corral, shed, etc.   | A           | A   |     |  |     |     |      |        | A                  | A   | A   |     |     |       |       | Sec. 308                               |  |
|                | Agritourism uses accessory to a working farm including corn mazes, educational tours, agricultural festivals, farm dinners, and other uses related to agritourism (including restrooms). | SU          |     |     |  |     |     |      |        |                    |     |     |     |     |       |       | Sec. 309                               |  |
|                | Chicken coop   | A           | A   | A   |  |     |     |      |        | A                  | A   | A   |     |     |       |       | Sec. 308                               |  |
|                | Farmers Market   | SU          | SU  |     |  |     |     |      |        |                    |     |     |     |     |       |       | Sec. 318                               |  |
|                | Produce Stand  | A           | A   |     |  |     |     |      |        |                    | A   | A   |     |     |       |       | Sec. 344                               |  |
|                | <i>For Farm Winery, see Table 2-1 Principal Use Table.</i>   |             |     |     |  |     |     |      |        |                    |     |     |     |     |       |       |  |  |
|                | <b>Residential Accessory Uses</b>  |             |     |     |  |     |     |      |        |                    |     |     |     |     |       |       |  |  |
|                | Accessory Uses and Structures Customary to a Dwelling, such as a carport, private garage, shed, play equipment, etc.   | A           | A   | A   | A  | A   |     |      |        |                    |     |     |     |     |       |       | Sec. 304                               |  |
|                | Family Day Care Facilities   | A           | A   | A   | A  | A   |     |      |        |                    |     |     |     |     |       |       | Sec. 315                               |  |
|                | Garage Apartment   |             |     |     | A  | A   |     |      |        |                    |     |     |     |     |       |       | Sec. 304                               |  |
|                | Guest House  | A           | A   | A   |  |     |     |      |        |                    |     |     |     |     |       |       | Sec. 304                               |  |
|                | Home Occupations: Residential  | A           | A   | A   | A  | A   |     |      |        |                    |     |     |     |     |       | A     | Sec. 324                               |  |
|                | Home Occupations: Rural  | A           | A   |     |  |     |     |      |        |                    |     |     |     |     |       |       | Sec. 324                               |  |
|                | Short Term Vacation Rental   | A           | A   | A   | A  | A   | A   |      | A      |                    |     |     |     |     | A     | A     | Sec. 335                               |  |
|                | Private/Hobby Kennels  | A           | A   |     |  |     |     | SU   |        |                    |     |     |     |     |       |       | Sec. 328                               |  |
|                | Swimming pools (residential)   | A           | A   | A   | A  | A   | A   | A    | A      | A                  | A   | A   | A   | A   | A     | A     |  |  |

<sup>2</sup> This column will be updated with specific section numbers upon completion of final draft to accommodate anticipated changes to section numbers in the interim.

Table 2-2 Accessory and Temporary Use Table

| NAICS Ref. | Accessory & Temporary Uses ↓ Zoning Districts →  | A-1         | R-R | R-1 | R-2                                      | R-3 | A/O | CORD | Resort | C-1                | C-3 | C-4 | M-1 | M-2 | MHU-1 | MHU-2 | For Restrictions See Sec.: <sup>2</sup> |
|------------|--|-------------|-----|-----|--|-----|-----|------|--------|--------------------|-----|-----|-----|-----|-------|-------|---|
|            |  | A = Allowed |     |     | SU= Allowed if Approved as a Special Use |     |     |      |        | Blank = Prohibited |     |     |     |     |       |       |   |
|            | Tiny House   | A           | A   |     |  |     |     |      |        |                    |     |     |     |     |       |       | Sec. 346                                |
|            | Yard and Garage Sales  | A           | A   | A   | A  | A   |     |      |        |                    |     |     |     |     |       |       | Sec. 344                                |
|            | <b>Nonresidential Accessory Uses</b>   |             |     |     |  |     |     |      |        |                    |     |     |     |     |       |       |   |
|            | Accessory Retail Uses within an Office, Hotel/Motel or Multi-Family Building, except restaurants and liquor stores       |             |     |     |  |     | A   |      |        | A                  | A   | A   |     |     |       |       |   |
|            | Accessory Uses Customary to a Church or Other Religious Facility (e.g. Child Day Care Facilities)                        | A           | A   | A   | A  | A   | A   | A    | A      | A                  | A   | A   | A   | A   | A     | A     | Sec. 313<br>Sec. 315                    |
|            | Accessory Uses Customary to a Commercial or Industrial Use, except manufacturing or fabrication uses accessory to retail |             |     |     |  |     |     |      |        | A                  | A   | A   | A   | A   |       |       |   |
|            | Customary Uses Accessory to a Gas Station  |             |     |     |  |     |     |      |        | A                  | A   | A   | A   |     |       |       | Sec. 321                                |
|            | Food Trucks  | A           | A   | A   | A  | A   | A   | A    | A      | A                  | A   | A   | A   | A   | A     | A     | Sec. 320                                |
|            | Restaurant/Cocktail Lounge; Accessory to a Hotel/Motel   |             |     |     |  |     |     |      |        | A                  |     | A   |     |     |       |       | Sec. 307                                |
| 221114     | Solar Collection Systems (i.e., solar farms)   | SU          |     |     |  |     |     |      | SU     |                    |     |     |     |     |       |       | Sec. 336                                |
| 713940     | Swimming pools (commercial)  | A           | A   | A   | A  | A   | A   | A    | A      | A                  | A   | A   | A   | A   | A     | A     |   |
|            | Vending/Ice Machine  |             |     |     |  |     |     |      |        | A                  | A   | A   |     |     |       |       |   |

## 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 this Article and 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.

**308.03 Requirements Associated with Chicken Coops in the R-1 Residential District**

The following restrictions apply to allowance of chicken coops as accessory use in the R-1 district.

- a) 2 acre minimum lot size;
- b) Not allowable in a major subdivision (as recognized by the Harris County Community Development Department);
- c) Maximum of 4 hens allowable per property (no roosters allowed);
- d) All hens must be kept in a coop or cage structure;



- e) Coop/cage structure must be located in a rear yard and must be set back a minimum of 30 feet from all property lines; and
- f) Keeping of hens in R-1 shall be for household use only.

**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: 2 acres
- (b) An applicant may also specify a particular use that falls under agritourism in addition to those listed in this section. For example, restroom facilities in a variety of formats may be included.
- (c) A master planned approach that includes multiple agritourism uses on a farm is encouraged. In order to follow this approach, an approved Agritourism Master Plan is required. Agritourism uses and associated facilities included in an approved master plan shall determine the allowable uses and conditions of use. Applicants proposing multiple agritourism uses shall follow the requirements of Section 309.10. Following approval of an Agritourism Master Plan, an applicant may choose the timing to implement agritourism uses approved in the master plan.

**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 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 hayride.
- (b) A snack shop may be included as an accessory use in accordance with Section 309.08.

**309.06 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) See Section 1106.02 in Article 11 for all application requirements for Agritourism uses.
- (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.

**309.07 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.

**309.08 Snack Shop.**

- (a) Snack shops are permitted as an 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 snack shop structure and/or use:
  - (1) A structure not to exceed 400 square feet under roof.
  - (2) Hours of operation must mirror hours of operation of principal use.
  - (3) Structure must be located off the right-of-way.

**309.09 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 1106.02 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. Cluster Mail Box Units.**

Standards for cluster mail box units (CBUs).

**312.01** Location requirements. The location of the CBU within the subdivision must follow federal standards and guidelines. CBU locations must be agreed upon and approved by the local USPS Postmaster or the local USPS Growth Manager, in coordination with the developer or builder. CBUs may be located:

- (a) On a lot within an easement;
- (b) On a lot dedicated to a homeowners association;
- (c) In an area dedicated for open space;
- (d) On a public access easement obtained by the developer, or;
- (e) Located using any alternative method that must be authorized by the USPS Growth Manager prior to design and construction implementation. Proof of alternate method authorization must be provided for review.

When either new residential or commercial developments are in the design phase, developers or architects must meet with the USPS Growth Manager to ensure that safe and

durable receptacles are properly located and specified in conformance with USPS regulations.

CBUs must be safely located so that customers are not required to travel an unreasonable distance to obtain their mail and so there is sufficient access to mailbox locations with adequate space for carriers to deliver and customers to retrieve the mail.

CBUs must be located within the subdivision on the right-hand side of roadway access in the direction of travel and must be able to be serviced by USPS carriers without interference from swinging or open doors. CBUs shall not be placed in the Right of Way (ROW) of any public road.

**312.02** Parking/Access. In addition to any requirements for parking specified in Article # Parking and Loading, or any accessibility guidelines pertaining to the Americans with Disabilities Act (ADA), the following ratio table must be met:

| Number of Mail Boxes | Number of Parking Spaces Provided |
|----------------------|-----------------------------------|
| 50 or less           | 2                                 |
| 51-100               | 3*                                |
| 101 or more          | 4*                                |

\*At least one parking space must be handicap accessible.

**312.03** Maintenance. CBU's are to be maintained by the Homeowners Association (HOA) or managing entity. The developer shall be responsible for confirming the logistics of regular mail delivery to CBU's with the USPS. As such, CBU design shall be subject to final approval by the USPS.

**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. Massage Therapy.**

A valid Georgia state license shall be held by any professional providing massage therapy care in Harris County.

**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) A snack shop is permitted as an accessory use/structure in accordance with Section 309.09.
- (c) 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;
- (k) In the case of private events, food truck operations must meet the requirements herein; and
- (l) For overnight parking of food trucks (where allowable per Article 2, Table 2-1), a non-commercial/industrial zoned (i.e. not zoned C-1, C-3, C-4, M-1, M-2) property shall be a minimum of 5 acres or Special Use Approval shall be required.

**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 Special Use 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); and
  - 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 and 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.

- (2) 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.
- (3) 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.
- (4) 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 landforms 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 Section 341.03 of 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 Article. 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 Additional Approved Uses.

The following may be approved by the Planning Commission after the Community Development Department conducts 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 or Planning Commission 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) Farmers 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.**

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:

- (a) 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.

## Article 4. Lot and Building Standards

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## **Article 4. Lot and Building Standards**

This Article sets out the standards that control the size of lots, the placement of buildings and structures on a lot, and the bulk and intensity of development on a lot in each zoning district. This article also provides minimum requirements and standards for the planting of trees and other landscape material and the provision of natural and/or planted buffers between dissimilar uses.

### **Sec. 401. General Requirements.**

#### **401.01 Conformance with Regulations.**

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

#### **401.02 Number of Principal Buildings.**

- (a) Only one principal building and its customary accessory buildings may hereinafter be erected on any lot of record, in accordance with standards set forth in this Development Code.
- (b) Multi-Unit Structures.
  - (1) In certain zoning districts, more than 1 multi-dwelling-unit structure may be erected on the same lot provided there shall be a minimum distance of 20 feet between principal buildings, as indicated in Table 4-1.

#### **401.03 Minimum Buildable Area.**

Regardless of the minimum requirements of individual zoning districts, a plat shall not be approved until the buildable area of every lot is determined to be sufficient to accommodate the minimum building area required by the zoning district. No part of the required minimum lot size shall be permanently inundated by water or covered with designated wetlands.

#### **401.04 Authority of the Harris County Health Department.**

Nothing contained in this article shall be construed as preventing the County Health Department, after study of the conditions existing in a proposed subdivision, from requiring that all or any portion of the area of such subdivision shall not be built upon or that the minimum lot sizes set forth in this Development Code are inadequate and must be increased to ensure the protection of the public health.

### **Sec. 402. Minimum Development Standards.**

#### **402.01 General Requirements.**

- (a) No building or structure shall hereafter be erected, constructed, reconstructed, or altered to:
  - (1) House a greater number of units per acre or occupy a smaller lot area than is herein required.
  - (2) Have narrower or smaller front, rear, or side yards than are herein required.
  - (3) Exceed the height limits.

- (4) Be in nonconformance with the minimum lot size requirements of the zoning district in which they are located, with the exception of lots served by on-site sewer (septic tank and drain field), which shall be subject to the approval and lot-size standards of the Harris County Environmental Health Department.

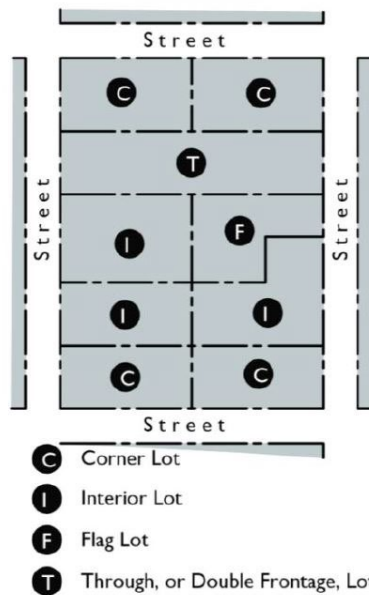
**402.02 Area Regulations for Lots and Principal Buildings.**

- (a) Provisions relating to the minimum area, width and frontage, the maximum height of a building, minimum setbacks for front, side and rear yards, and other dimensional requirements as they relate to a principal building are included in this Section and in Table 4-1, Minimum Development Standards for Principal Buildings by zoning district, located at the end of this Article.
- (b) Minimum Development Standards for Planned Unit Development zoning districts and certain types of subdivisions are provided in Article 5 of this Development Code.
- (c) Setback provisions for accessory structures are contained in Sec. 403.

**402.03 Types of Lots.**

- (a) Interior Lots.
  - (1) Defined. A lot having frontage on only one street.
- (b) Corner Lots.
  - (1) Defined. Lots of which 2 adjoining sides abut their full lengths on a street.
  - (2) The interior angle at the intersection of the 2 sides must be less than 135 degrees.
  - (3) Setbacks for the street-adjointing side yards of corner lots shall be as specified in Table 4-1.
- (c) Flag Lots.
  - (1) Defined. An irregularly shaped lot that has a very limited amount of street or road frontage. The portion of the lot nearest the street, the "flagpole," is substantially narrower than the rest of the lot. The wider part of the lot, the "flag," is back further from the road frontage.
  - (2) Flag lots shall be avoided to the greatest extent feasible in a major subdivision, unless unavoidable due to topographic or similar conditions. Acceptable flag lots in a major subdivision shall have the required minimum road frontage for the zoning district.
  - (3) The front setback on a flag lot shall be measured from the front property line that is parallel to the front street property line, where the required width of the lot at the building line meets requirements of the zoning district. For example, a flag lot may have a narrower street frontage than is required for a regular lot; however, the buildable area must meet lot width requirements for the regular lot where the flag lot widens.
- (d) Double- and Reverse-Frontage Lots.

Figure 4-1: Example of Types of Lots



- (1) Defined. A lot, other than a corner lot, that abuts more than one public street that are parallel or within 45 degrees of being parallel to each other.
- (2) The required front yard setback shall be provided along each street frontage.
- (3) Double-frontage and reverse-frontage lots (multiple frontage lots) should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- (4) A lot with rear frontage on an alley with approved design shall not be considered a double frontage lot.

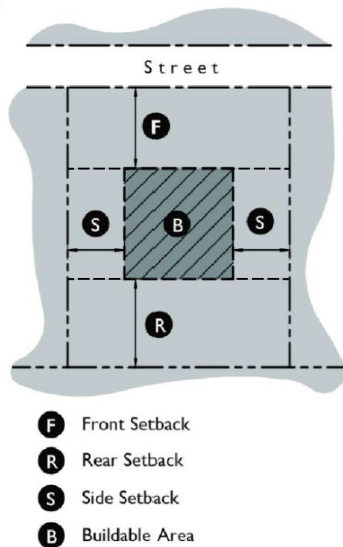
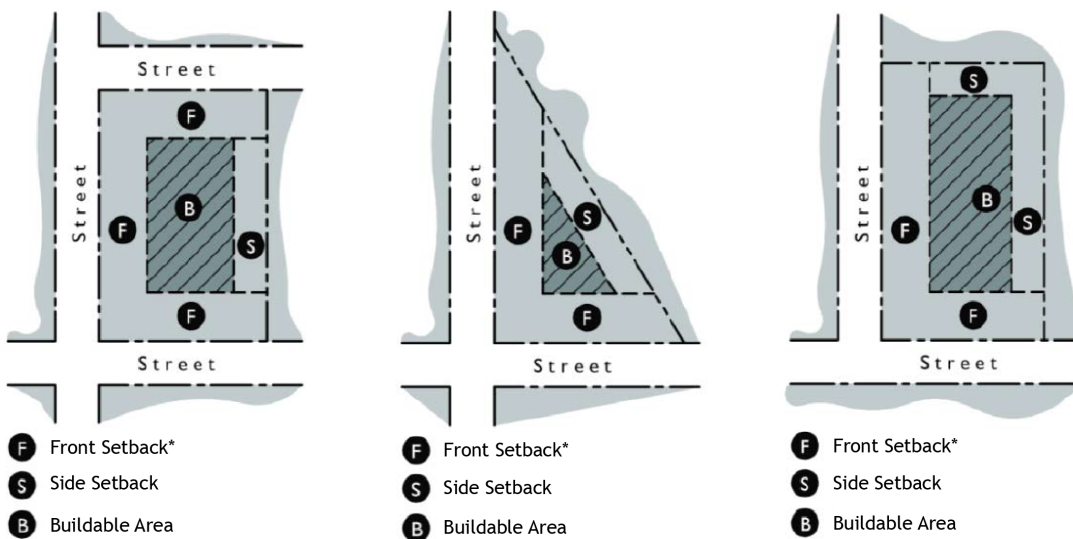


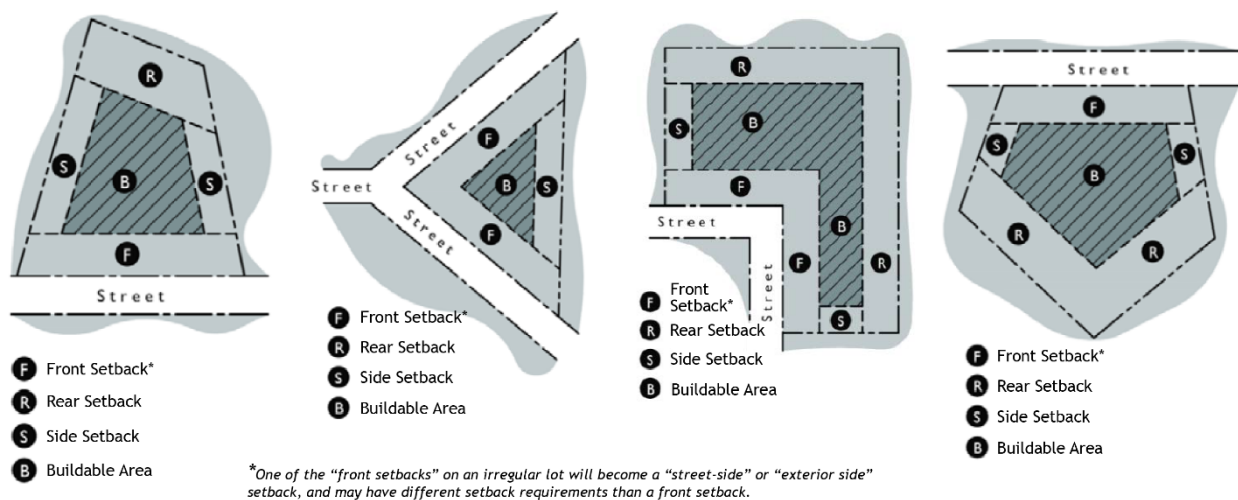
Figure 4-2: Example of Required Setbacks and Buildable Area for Typical Interior Lots

Figure 4-3: Example of Required Setbacks and Buildable Area for Corner Lots



\*One of the "front setbacks" on a corner lot will become a "street-side" or "exterior side" setback, and may have different setback requirements than a front setback.

Figure 4-4: Example of Required Setbacks and Buildable Area for Various Irregular Lots



**402.04 Minimum Lot Size.**

- (a) See Table 4-1 for minimum lot size requirements by zoning district.
- (b) Residential lots shall meet the area requirements necessary for adequate sewer treatment and water availability as set forth in Table 4-1, and for compliance with this Development Code.
- (c) Commercial and industrial lots shall be adequate to provide service areas and off-street parking suitable to use as intended and to meet zoning requirements.
- (d) Suitable Land Required.
  - (1) No part of the required minimum lot size shall be permanently inundated by water or covered with designated wetlands.
- (e) Minimum Lot Size on Septic.
  - (1) Minimum area for lots served by septic systems.
    - a. Private Water.
 

Any lot upon which both an individual well and septic tank are to be provided shall have a minimum area of not less than that required by State and County Health Department regulations or this Development Code, whichever is greater. The site location on the lot of these facilities shall be approved by the County Health Department in accordance with all applicable requirements.
    - b. Public Water.
 

Any lot which is to be served by a public water supply and an individual septic tank shall have an area of not less than that required by State and County Health Department regulations or this Development Code, whichever is greater. The site location on the lot of these facilities shall be approved by the County Health Department in accordance with all applicable requirements.

- (2) Lot size and width increases.

The County Health Department may require larger lot sizes in individual cases based on a variety of factors, in accordance with their regulations.

**402.05 Minimum Lot Frontage.**

- (a) Street frontage required.
  - (1) Each lot shall abut a dedicated public street by the amount listed in Table 4-1, unless specified otherwise in this Development Code.
  - (2) Each lot shall meet the minimum driveway sight distance requirements of the geometric design standards of the Georgia Department of Transportation.

**402.06 Minimum Lot Width.**

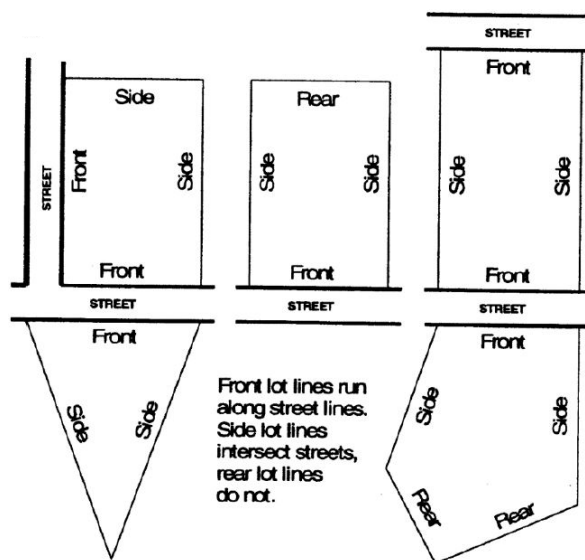
- (a) Minimum lot widths shall be in accordance with zoning district standards indicated in Table 4-1.
- (b) The minimum lot width shall be achieved between the side lot lines measured along the front property line that abuts a street. Lot width shall be in accordance with requirements per zoning district as set forth in Table 4-1.
- (c) Residential corner lots shall have adequate width to meet building setback requirements from both abutting streets.
- (d) Lot width shall not narrow between the right-of-way and building line.
- (e) Cul-de-sacs and flag lots.

Flag lots or lots located on a cul-de-sac may have a reduced lot width, no less than 50 feet in width.

**402.07 Lot Lines.**

- (a) All lot lines shall be perpendicular or radial to street lines, unless not practical because of natural features such as creeks, rivers and water bodies.
- (b) In the case of a pointed or irregular lot, the rear lot line shall be an imaginary line parallel to and farthest from the front lot line, not less than 10 feet long and wholly within the lot.

Figure 4-5: Types of Lot Lines



**402.08 Building Lines.**

- (a) All building lines shall meet the setback requirements established in Table 4-1.

**402.09 Minimum Setbacks; Principal Buildings.**



- (a) All principal buildings on a lot shall be setback from the street right-of-way lines and from the side and rear lot lines bounding the lot by no less than the distances shown on Table 4.1.

**402.10 Building and Structure Heights.**

- (a) Building and Structure Heights; how measured.

- (1) Building height.

The vertical distance measured to the highest point of a building from the average finished grade across those sides of a building that face a street.

- (2) Structure height.

The vertical distance to the highest point of a structure (other than a building), as measured from the average grade at the base of the structure or from the average grade directly below a projecting structure.

- (b) Maximum Building and Structure Heights.

The maximum height of all buildings and structures in each zoning district, except as otherwise provided in this section, shall be as shown on Table 4.1.

- (c) See Section 403 for height limitations for fences and freestanding walls.

- (d) See Section 404 for exceptions to height limitations.

**402.11 Minimum Acreage Requirements for Creation of New Zoning Districts.**

The table below presents minimum total acreage required for a rezoning that results in creation of a new zoning district. No new district may be created which contains less than the acreage specified in the table below for each district. When expanding an existing district, the acreage below must be met in the cumulative. For minimum lot size requirements of lots created through the development process see Table 4-1.

| Zoning District | Minimum Total Acreage Required for Rezoning |
|-----------------|---|
| A-1             | 10  |
| R-R             | 10  |
| R-1             | 4   |
| R-2             | 4   |
| R-3             | 4   |
| MHU-1           | 4   |
| MHU-2           | 4   |
| A/O             | N/A   |
| C-1             | 2   |
| C-3             | 2   |

| Zoning District | Minimum Total Acreage Required for Rezoning |
|-----------------|---|
| C-4             | 2   |
| M-1             | 5   |
| M-2             | 10  |
| PRD             | 100   |
| PCD             | 50  |
| PMD             | 100   |
| CUPD            | 500   |
| CORD            | 5   |

**Sec. 403. Accessory Buildings and Structures.**

**403.01 General Requirements.**

- (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) Accessory buildings shall be constructed concurrently with or subsequent to a principal dwelling, unless it qualifies as an agricultural use building, as specified in Section 403.04.
- (c) See Section 403.04 for requirements specific to accessory agricultural use buildings and structures.
- (d) See Article 3, Restrictions on Particular Uses, for additional standards for accessory buildings and structures.
- (e) Building Permits, when required.
  - (1) Detached accessory buildings over 400 square feet in area shall require a building permit, with exception of agricultural buildings as defined in Section 403.04; agricultural buildings over 800 square feet in area shall require a building permit.
  - (2) Detached accessory buildings or structures 400 square feet or less that are used for the private, noncommercial and non-dwelling use of the resident or that are used for agricultural purposes, shall not require a building permit, provided they meet the criteria noted in this Section 403.
    - a. The building or structure shall not be used for human habitation;
    - b. The building or structure shall be served by not more than 100 amp of electricity, provided, however, an electrical permit and designated inspection are required. No permit is required for a building 400 square feet or less in area without electricity;
    - c. The building or structure shall not contain toilet facilities;

- d. The building or structure shall not be taller than one story; provided, however, that such story shall not exceed 20 feet in clearance height;
- e. Should the structure be altered or converted to a use which is inconsistent with the criteria outlined herein, this exemption shall not apply to such alterations and the owner must apply for a building permit and otherwise comply with all of the requirements of the applicable building code before proceeding with such alteration; and
- f. Regardless of whether or not a building qualifies for a permit exemption, all structures must be built according to the standards as required by the applicable state and county building codes.

**403.02 Minimum Standards for Accessory Buildings.**

Detached accessory buildings, as defined below, must comply with the following, unless otherwise noted herein:

- (a) Accessory buildings, defined.  
A subordinate building, the use of which is incidental to that of a principal building and located on the same lot therewith.
- (b) Location.
  - (1) A detached accessory building 800 square feet or less may be located in the rear or side yard in the A-1, R-R, R-1 and R-2 zoning districts.
  - (2) A detached accessory building over 800 square feet shall be located in the rear yard of the principal building in any district where allowed.
- (c) Maximum lot coverage. 30% of the area of the rear yard and/or side yard;
- (d) Minimum setbacks:
  - (1) Rear lot line: 10 feet.
  - (2) Side lot line: 10 feet.
  - (3) An accessory building is shall not be located in any required front or street side yard, except as indicated in the provisions for exceptions in Section 403.02(e).
  - (4) An accessory building shall not be located closer than 15 feet to the principal building on an adjoining lot.
- (e) Exceptions:
  - (1) On corner lots or irregular lots that do not have a rear yard, a detached accessory building or structure may be located in an interior side yard or side yard abutting the street, provided it shall be:
    - a. Setback at least 50 feet from the street side property line.
    - b. Screened from the public right-of-way by an opaque fence or vegetative buffer.
  - (2) For A-1 and R-R zoned parcels containing 5 acres or more, a detached accessory building or structure may be located in the front yard or side yard that abuts a street

(e.g. corner lot), provided that it meets the criteria set forth in Section 403.04(c)(1) below.

(3) Agricultural use buildings and structures are addressed separately in Section 403.04.

**403.03 Accessory Dwelling Units.**

(a) General Requirements.

(1) Permit Required. All accessory dwelling units shall require a building permit.

(2) There shall be no more than one accessory dwelling unit allowed per lot.

(3) Minimum Standards:

A guest house or garage apartment shall meet the following requirements:

a. Shall be on same utilities as the primary structure.

b. Shall be no more than 800 square feet.

c. Shall be located in the rear or side yard of the primary structure.

d. Detached structures which may be or are intended to be rented out as living areas shall comply with standards in Article 3.<sup>3</sup>

e. The placement of a guest house on a lot shall not result in the violation of the lot coverage maximums applicable to the zone in which it is located.

f. The water supply and sanitary sewage disposal system for the lot must be certified as adequate to support the guest house in combination with the main house.

g. Shall meet additional requirements in (b) and (c) of this Section.

(b) Garage Apartments.

(1) Garage apartments shall be allowed in accordance with the Accessory and Temporary Use Table in Article 2.

(2) Occupation of a private garage apartment, as defined in this Development Code, shall be limited to one family.

(c) Guest Houses.

(1) A guest house shall be allowed on the same lot as the primary structure in residential districts in accordance with the Accessory and Temporary Use Table in Article 2 of this Development Code.

(2) Occupation of a guest house shall be limited to one family.

(d) Tiny Houses.

(1) A tiny house, as defined in this Development Code, shall be permitted on the same lot as the primary structure in the A-1 and R-R zoning district per Table 2-2, Accessory and Temporary Use Table, in Article 2 of this Development Code.

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<sup>3</sup> Article 3 sets forth restrictions on certain uses, such as Short Term Vacation Rentals (STVR).

- (2) 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.

**403.04 Agricultural Buildings and Structures.**

(a) General Requirements:

- (1) An agricultural use building or structure shall meet the following requirements:
  - a. Shall only be allowed in A-1 or R-R zoning districts;
  - b. Shall only be used for agricultural purposes, including the storage of agricultural products, farm equipment and machinery, or as shelter for farm animals and/or livestock; and
  - c. Shall not be used for human habitation or as a residential dwelling.
- (2) An agricultural use building or structure may be erected on a lot in the absence of a principal dwelling, provided that it meets the requirements of this Section 403.04.

(b) Minimum Standards:

- (1) Location.
  - a. A detached accessory agricultural building shall be located in the rear or side yard of the principal building, unless specified otherwise herein.
- (2) Maximum lot coverage: 30% of applicable yards.
- (3) Minimum setbacks:
  - a. Rear lot line: 10 feet.
  - b. Interior side lot line: 10 feet.
  - c. Other buildings: 15 feet, or as otherwise specified in applicable building codes.

(c) Exceptions:

- (1) On agricultural lots located in the A-1 or R-R zoning district containing 5 acres or more, detached accessory buildings may be located in the front yard or side yard that abuts a street (e.g. corner lot), provided that:
  - a. There is not sufficient space in the rear yard of the principal building to accommodate the accessory agricultural building;
  - b. The structure is setback from the property line along the street by the minimum front principal building setback requirement.

**403.05 Accessory Structures.**

(a) Accessory structures, defined.

For the purposes of this section, an accessory structure is defined as a structure that is subordinate to the principal building or use, which is used for non-habitable purposes, including, but not limited to, fences, signs, decks, patios, driveways and outdoor swimming pools, and similar structures, but excluding accessory buildings as defined herein.

(b) Fences, Freestanding Walls, and Hedges.

- (1) Minimum setback: There shall be no minimum setback from any property line, provided that any fence or freestanding wall meets the requirements in 403.05(b)(2) below.
  - (2) Fences, freestanding walls, and hedges may be located in required yards, subject to the following limitations:
    - a. They do not exceed 8 feet in height.
    - b. They do not extend alongside lot lines in front yards more than half the depth of required front yards.
    - c. They do not obstruct corner visibility at street intersections as set forth in Article 10, Project Design Standards, of this Development Code.
    - d. They shall not be located within any public right-of-way or utility or drainage easement.
- (c) Decks and Patios.
- (1) Location. Decks and patios may be located within side and rear yards.
  - (2) Minimum setback.
    - a. Patios and decks under 30 inches in height above grade shall be located at least 5 feet from any adjacent property line.
    - b. Decks that are 30 inches or more above grade, must be 10 feet from property lines.
  - (3) Building Permit.
    - a. Any deck that is 30 inches or more above grade or that is more than 100 square feet in area shall require a building permit and shall be compliant with current Building Code.
- (d) Outdoor Recreation Facilities.
- Outdoor recreation facilities shall meet the requirements in this section and shall meet the setback requirements for accessory buildings and structures set forth in Section. 403.03.
- (1) Swimming Pools.

The following regulations shall apply to private swimming pools:

    - a. Private swimming pools may be established in agricultural and residential zoning districts, provided they are to be used solely by the occupants of the property on which it is [they are] located and their guests.
    - b. Private swimming pools must be located within the rear yard of a residential zoning district.
      1. No part of the swimming pool may extend into any required front yard or side yard in a residential zoning district.
      2. No part of the swimming pool may extend into any required front yard in an agricultural zoning district.

- c. All noncommercial pools shall be enclosed by a fence or wall adjacent to the pool decking not less than 4 feet in height.
- (2) Paved or Concrete Recreation Courts.
  - a. Paved recreation courts, including, but not limited to tennis courts, basketball courts, pickle ball courts, or similar paved recreational courts, may be permitted in residential zoning districts and shall meet the setback and lot coverage requirements set forth in Section 403.02.
- (3) Driveways.

There are no minimum setback requirements for driveways.
- (e) Exceptions.
  - (1) Corner lots.

Outdoor recreation facilities may be located in a side yard or street side yard on a corner lot if they meet applicable setbacks and screening.

**Sec. 404. General Exceptions.**

**404.01 Height limitations.**

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

**404.02 Front yard requirements.**

The front yard requirements of this ordinance shall not apply on lots where the average depth of existing front yards on developed lots located within 100 feet on each side thereof and within the same block and zoning district is greater or less than the minimum required front yard depth.

- (a) In such case, the depth of the front yard on such lot shall be not less than the average front yard depth on such developed lots.
- (b) On double-frontage lots the required front yard shall be provided on each street.

**404.03 Projections into yards.**

Certain architectural features shall be permitted to project into required yard areas as follows:

- (a) Cornices, canopies, eaves or similar features may project a distance not exceeding 2.5 feet.
- (b) Fire escapes may project a distance not to exceed 4 feet.
- (c) An uncovered stair or landing may project a distance not to exceed 3 feet.
- (d) Bay windows, balconies and chimneys may project a distance not to exceed 2 feet provided such features do not occupy more than one-third the wall on which they are affixed.





**Table 4-1: Minimum Development Standards for Lots and Principal Building Setbacks and Height**

| Zoning District                            | Lot Area <sup>4</sup><br>(minimum) |                      | Lot Width<br>at Street <sup>5</sup><br>(min. feet) | Setbacks<br>(minimum feet) |  |   | Building Height   | Lot Coverage<br>(maximum<br>percent)           |                       |
|--|------------------------------------|----------------------|--|----------------------------|--|---|---|--|-----------------------|
|  | Public Water                       | Private Water        |  | Front                      | Side                                   | Rear  | Principal   |  |                       |
| <b>A-1</b><br>(Agricultural/ Forestry)     | 10 acres                           |                      | 100'   | 50'                        | Interior side: 20'<br>Street side: 50' | 35'   | Principal: 35' or 2½ stories<br>Accessory: Per district | 25% of total lot area                          |                       |
| <b>R-R</b><br>(Rural Residential)          | 5 acres                            |                      | 100'   | 50'                        | Interior side: 20'<br>Street side: 50' | 35'   | Principal: 35' or 2½ stories<br>Accessory: 20'          | 25% of total lot area                          |                       |
| <b>R-1</b><br>(Low-Density Residential)    | Residential                        | 2 acres <sup>6</sup> | 2 acres  | 100'                       | 50'                                    | Interior side: 20'<br>Street side: 50'              | 35'   | Principal: 35' or 2½ stories<br>Accessory: 20' | 25% of total lot area |
|  | Non-Residential <sup>7</sup>       | 30,000 sf            | N/A  | 100'                       | 50'                                    | 50'   | 50'   | 35' or 2½ stories                              | 25% of total lot area |
| <b>R-2</b><br>(Medium-Density Residential) | Single Family                      | 1 acre               | 2 acres  | 100'                       | 50'                                    | 1 story: 10'<br>1+ stories: 12'<br>Street side: 50' | 35'   | Principal: 35' or 2½ stories<br>Accessory: 15' | 25% of total lot area |
|  | Two-Family                         | 1 acre               | 2 acres  | 100'                       | 50'                                    | 1 story: 10'<br>1+ stories: 12'<br>Street side: 50' | 35'   | Principal: 35' or 2½ stories<br>Accessory: 15' | 30% of total lot area |

<sup>4</sup> a) Minimum lot area shall be as indicated in this Table 4-1 or as required by Health Department; b) No part of a minimum lot shall be permanently inundated by water or designated wetlands; c) Stated minimum lot areas shall apply to creation of new lots through major or minor subdivision unless otherwise regulated in Article 5 of this Development Code.

<sup>5</sup> Flag lots or lots located on a cul-de-sac may have reduced lot width, no less than 50 feet in width. See Section 402.06.

<sup>6</sup> *Exception:* Subdivision lots in approved plats, reviewed & approved by the Planning Commission as a variance or waiver stipulated in resolution per Article 12.

<sup>7</sup> See Table 2-1, Principal Use Table, in Article 2 of this Development Code for nonresidential uses allowed in the R-1 zoning district.

**Table 4-1: Minimum Development Standards for Lots and Principal Building Setbacks and Height**

| Zoning District                                       |   | Lot Area <sup>4</sup><br>(minimum)   |               | Lot Width<br>at Street <sup>5</sup><br>(min. feet) | Setbacks<br>(minimum feet) |   |      | Building Height   | Lot Coverage<br>(maximum<br>percent) |
|---|---|--|---------------|--|----------------------------|---|------|-------------------|--------------------------------------|
|   |   | Public Water   | Private Water |  | Front                      | Side  | Rear | Principal         |                                      |
|   | <i>Non-Residential</i> <sup>8</sup>                 | 30,000 sf  | -             | 100'   | 50'                        | 50'   | 50'  | 35' or 2½ stories | 30% of total lot area                |
| <b>R-3</b> <sup>9</sup><br>(High-Density Residential) | <i>Single Dwelling Unit Structure</i> <sup>10</sup> | 1 acre   | -             | 100'   | 50'                        | 1 story: 10'<br>1+ stories: 12'<br>Street side: 50'   | 35'  | 35' or 2½ stories | 25% of total lot area                |
|   | <i>Multi-Dwelling Unit Structures</i>               | <i>Minimum Lot Size:</i><br>4 acres<br><i>Maximum Density:</i><br>16 dwelling units per acre | -             | 100'   | 50 ft                      | <i>Interior side:</i> 10'<br><i>Street side:</i> 50'<br><i>Between Multi-Unit Structures:</i> 20' <sup>11</sup> | 35'  | 65' or 5 stories  | 30% of total lot area                |
|   | <i>Non-residential Uses</i> <sup>12</sup>           | 30,000 sf  | -             | 100'   | 50'                        | 50'   | 50'  | 35' or 2½ stories | 30% of total lot area                |

<sup>8</sup> See Table 2-1, Principal Use Table, in Article 2 of this Development Code for nonresidential uses allowed in the R-2 zoning district.

<sup>9</sup> Must have an approved water supply and water system and an approved sewage disposal system.

<sup>10</sup> Whenever single-family residences or medium-density residences are proposed for an R-3 district, these residences must meet the district regulations of the R-1 or R-2 district respectively.

<sup>11</sup> See Section 401.02. More than 1 multi-dwelling-unit structure may be erected on the same lot provided there shall be a minimum distance of 20 feet between principal buildings.

<sup>12</sup> See Table 2-1, Principal Use Table, in Article 2 of this Development Code for nonresidential uses allowed in the R-3 zoning district.

**Table 4-1: Minimum Development Standards for Lots and Principal Building Setbacks and Height**

| Zoning District                             |                    | Lot Area <sup>4</sup><br>(minimum) |               | Lot Width<br>at Street <sup>5</sup><br>(min. feet) | Setbacks<br>(minimum feet) |   |   | Building Height   | Lot Coverage<br>(maximum<br>percent) |
|---|--------------------|------------------------------------|---------------|--|----------------------------|---|---|-------------------|--------------------------------------|
|   |                    | Public Water                       | Private Water |  | Front                      | Side  | Rear  | Principal         |                                      |
| <b>A/O</b><br>(Apartment/<br>Office)        | <i>Residential</i> | Per R-3 requirements               | -             | Per R-3 requirements                               | 50'                        | <i>Interior side: 10'</i><br><i>Street side: 25'</i><br><i>Between Multi-Unit Structures: 20'</i>           | 25'   | 65' or 5 stories  | 30% of total lot area                |
|   | <i>Commercial</i>  | ½ acre                             | 1 acre        | 75'  | 20'                        | <i>Interior Side: 0'</i><br><i>Street side: 20'</i>   | 20'   | 65' or 5 stories  | 50% of total lot area                |
| <b>C-1</b><br>(Central Business Commercial) |                    | 15,000 sf                          |               | 75'  | 20'                        | <i>Interior Side: 0'</i><br><i>Street side: 10'</i>   | 20' <sup>13</sup>   | 65' or 5 stories  | None                                 |
| <b>C-3</b><br>(Neighborhood Commercial)     |                    | 5,000 sf                           |               | 75'  | 20'                        | <i>Interior Side: 0'</i><br><i>Street side: 25'</i><br><i>Abuts Residential District: 25'</i> <sup>14</sup> | 20' <sup>15</sup>   | 35' or 2½ stories | 50% of total lot area                |
| <b>C-4</b><br>(Highway Commercial)          |                    | 15,000 sf                          |               | 75'  | 20'                        | <i>Interior Side: 0'</i> <sup>16</sup><br><i>Street side: 20'</i>   | 20'<br><i>Abuts Residential District: 50'</i> <sup>18</sup> | 65' or 5 stories  | 25% of total lot area                |

<sup>13</sup> Rear setback requirement shall be waived if a lot abuts on an alley and if loading and unloading facilities are provided in accordance with Article 6.

<sup>14</sup> See Table 4-2 for required landscape strips and/or buffers when side yard abuts a residential district.

<sup>15</sup> See Table 4-2 for required landscape strips and/or buffers when rear yard abuts a residential district.

<sup>16</sup> A 20 ft fire lane shall be required on one side of the major structure or single freestanding structure.

<sup>18</sup> See Table 4-2 for required landscape strips and/or buffers when rear yard abuts a residential district.

**Table 4-1: Minimum Development Standards for Lots and Principal Building Setbacks and Height**

| Zoning District                       |   | Lot Area <sup>4</sup><br>(minimum) |               | Lot Width<br>at Street <sup>5</sup><br>(min. feet) | Setbacks<br>(minimum feet) |   |                    | Building Height   | Lot Coverage<br>(maximum<br>percent) |
|---------------------------------------|---|------------------------------------|---------------|--|----------------------------|---|--------------------|-------------------|--------------------------------------|
|                                       |   | Public Water                       | Private Water |  | Front                      | Side  | Rear               | Principal         |                                      |
|                                       |   |                                    |               |  |                            | <i>Abuts<br/>Residential<br/>District: 50'<sup>17</sup></i> |                    |                   |                                      |
| <b>M-1</b><br>(General Manufacturing) |   | 1 acre                             | -             | 200'   | 50'                        | <i>Interior side: 30'<br/>Street side: 50'</i>              | 50'                | 65' or 5 stories  | 50% of total<br>lot area             |
| <b>M-2<sup>19</sup></b>               | <i>Heavy<br/>Manufacturing</i>              | 5 acres                            | -             | 500'   | 100'                       | 100' <sup>20</sup>  | 100' <sup>21</sup> | 65' or 5 stories  | 50% of total<br>lot area             |
|                                       | <i>Sexually-Oriented<br/>Establishments</i> | 1 acre                             | -             | 100'   | 100'                       | 25'   | 50'                | 35' or 2½ stories | 25% of total<br>lot area             |

<sup>17</sup> See Table 4-2 for required landscape strips and/or buffers when side yard abuts a residential district.

<sup>19</sup> Landscape strips and/or buffers shall be provided on 3 sides of the property unless waived by the Planning Commission.

<sup>20</sup> See Table 4-2 for required landscape strips and/or buffers when side yard abuts a residential district.

<sup>21</sup> See Table 4-2 for required landscape strips and/or buffers when rear yard abuts a residential district.

**Table 4-1: Minimum Development Standards for Lots and Principal Building Setbacks and Height**

| Zoning District           |   | Lot Area <sup>4</sup><br>(minimum)   |               | Lot Width<br>at Street <sup>5</sup><br>(min. feet) | Setbacks<br>(minimum feet)   |   |                         | Building Height | Lot Coverage<br>(maximum<br>percent) |
|---------------------------|---|--|---------------|--|--|---|-------------------------|-----------------|--------------------------------------|
|                           |   | Public Water   | Private Water |  | Front  | Side  | Rear                    | Principal       |                                      |
| <b>MHU-1<sup>22</sup></b> | <i>Manufactured Home Parks<sup>23</sup></i> | 4 acres <sup>24</sup>  | -             | -  | 50'<br>(park perimeter)  | 25' <sup>25</sup><br>(park perimeter)               | 25'<br>(park perimeter) | 15' or 1 story  | -                                    |
|                           | <i>Manufactured Housing Unit Spaces</i>     | 7,500 sf per unit  | -             | 40'  | 10'  | <i>Between units:</i><br>20'                        | 25'                     | 15' or 1 story  | -                                    |
| <b>MHU-2<sup>26</sup></b> | 10 acres (per subdivision)                  | Per lot: 2 acres   | -             | 125'   | 50'  | 1 story: 10'<br>1+ stories: 12'<br>Street side: 50' | 35'                     | -               | -                                    |
| <b>PRD</b>                |   | As specified in the approved development plan in accordance with Section 507.02.<br>The minimum area for a PRD development is 100 contiguous acres |               |  | As specified in the approved development plan in accordance with Section 507.02. |   |                         |                 |                                      |
| <b>PCD</b>                |   | As specified in the approved development plan in accordance with Section 509.01.<br>The minimum area for a PCD development is 50 contiguous acres  |               |  | As specified in the approved development plan in accordance with Section 509.01. |   |                         |                 |                                      |

<sup>22</sup> See Article 3 for additional standards for manufactured home parks.

<sup>23</sup> Open space shall be provided as follows: 150 square feet of park and recreation area is required per unit space

<sup>24</sup> Must include 10 spaces for immediate occupancy.

<sup>25</sup> See Table 4-2 for required landscape strips and/or buffers within the side and rear setbacks of a manufactured home park.

<sup>26</sup> See Article 3 for additional standards for on manufactured home subdivisions.

**Table 4-1: Minimum Development Standards for Lots and Principal Building Setbacks and Height**

| Zoning District | Lot Area <sup>4</sup><br>(minimum)  |               | Lot Width<br>at Street <sup>5</sup><br>(min. feet) | Setbacks<br>(minimum feet)   |      |      | Building Height | Lot Coverage<br>(maximum<br>percent) |
|-----------------|---|---------------|--|--|------|------|-----------------|--------------------------------------|
|                 | Public Water  | Private Water |  | Front  | Side | Rear | Principal       |                                      |
| <b>PMD</b>      | As specified in the approved development plan in accordance with Section 510.01.<br><br>The minimum area for a PMD development is 100 contiguous acres  |               |  | As specified in the approved development plan in accordance with Section 510.01. |      |      |                 |                                      |
| <b>CUPD</b>     | As specified in the approved development plan in accordance with Section 511.03.<br><br>The minimum area for a CUPD development is 500 contiguous acres |               |  | As specified in the approved development plan in accordance with Section 511.03. |      |      |                 |                                      |
| <b>CORD</b>     | The minimum area for a CORD development is 5 contiguous acres   |               |  | As specified in the approved development plan in accordance with Section 512.02. |      |      |                 |                                      |

**Sec. 405. Landscape Strip and Zoning Buffer Requirements.**

**405.01 Landscape and Buffer Requirements.**

(a) Landscape strips.

(1) Landscape strips shall be provided within the required setback along lot lines that abut a residential zoning district, residential development or single-family dwelling, as specified in Table 4-2, Minimum Landscape Strip and Buffer Requirements, unless otherwise noted herein.

(2) Types of plant materials.

Landscape strips shall be comprised of shrubs, trees, and similar plant materials of sufficient density to form an opaque screen within 3 years. The plant materials shall maintain an opaque screen at all times. Dead trees or plant materials shall be removed and replaced.

(3) Required Height.

Required landscape strip material shall be planned to reach a minimum height of 6 ft and create a sufficiently opaque screen within 3 years of planting and shall maintain an opaque screen and a height of 8 ft or greater at maturity.

(b) Buffers.

(1) Zoning buffers shall be provided along lot lines, where specified in Table 4-2, Minimum Landscape Strip and Buffer Requirements.

(2) A zoning buffer shall be achieved with natural vegetation, as defined in this Development Code under "natural buffer" and may include undisturbed, existing vegetation:

a. Natural buffer: A visual screen of natural vegetation 6 feet in height or any combination of existing and replanted vegetation which can reasonably be expected to be at least 6 feet in height within 2 growing seasons and at least 8 feet at maturity, with such density so as to present an opaque visual separation when viewed from 1 side to the other throughout the year.

(c) Greenbelts.

(1) A greenbelt may be required along the perimeter commercial and industrial development, as indicated in this Development Code.

(2) A greenbelt shall include a minimum of 5 feet of land planted with shrubs, trees, and similar plant material, along at least 3 sides of the perimeter of the development

**405.02 Tree Conservation.**

(a) Clear cutting.

(1) Tree retention shall be encouraged and clear cutting of any tract for residential subdivision shall be minimized to the greatest extent feasible.

(2) On such lots, land area shall be cleared only as is necessary for purposes of the proper development of said lot. Clearing shall be limited to the specific development and an area not to exceed 10 feet from the specific development, including areas for:

- a. The placement of the individual home;
- b. The placement of driveways and sidewalks;
- c. The placement of utilities and detention ponds;
- d. The placement of septic systems;
- e. The placement of roads;
- f. The placement of decks and patios; and
- g. Proper drainage as required by the County.

**405.03 Maintenance of Required Landscape Strips and Buffers.**

(a) Landscape Strips.

All landscaped areas shall be maintained to ensure that plant materials are healthy and thrive.

- (1) Any diseased or dead plant materials shall be replaced as soon as reasonably possible based on the growing season, but not later than 6 months following identification of the need for replacement.
- (2) Necessary trimming and maintenance shall be performed to maintain the health of the plant materials, to provide an aesthetically pleasing appearance, and to assure that the landscaped and buffer areas serve the intended purpose.

(b) Zoning Buffers.

- (1) Every zoning buffer required by this article shall be maintained by the owner of the property where the zoning buffer is located, so as to provide an opaque visual screen to a minimum height of 8 feet on a continuous, year-round basis.

Table 4-2. Minimum Landscape Strip and Buffer Requirements

| Zoning District | Buffers<br>(minimum feet)                 |   | Landscape Strips <sup>27</sup><br>(minimum feet) |      |
|-----------------|---|---|--|------|
|                 | Side                                      | Rear                                      | Side   | Rear |
| A/O             | 10' when adjacent to residential district | 10' when adjacent to residential district | 5'   | 5'   |
| C-1             | 10' when adjacent to residential district | 10' when adjacent to residential district | 5'   | 5'   |
| C-3             | 10' when adjacent to residential district | 10' when adjacent to residential district | 5'   | 5'   |
| C-4             | 25' when adjacent to residential district | 25' when adjacent to residential district | 5'   | 5'   |

<sup>27</sup> A landscape strip consisting of shrubs, trees, and similar plant material shall be planted within the required setback in accordance with the requirements of this Section.



| Zoning District | Buffers<br>(minimum feet)  |   | Landscape Strips <sup>27</sup><br>(minimum feet) |      |
|-----------------|--|---|--|------|
|                 | Side   | Rear  | Side   | Rear |
| M-1             | 5' greenbelt required on 3 sides of property <sup>28</sup>                       |   | 5'   | 5'   |
|                 | 20' when adjacent to residential district  | 20' when adjacent to residential district   |  |      |
| M-2             | 5' greenbelt required on 3 sides of property <sup>29</sup>                       |   | 5'   | 5'   |
|                 | 20' when adjacent to residential district  | 20' when adjacent to residential district   |  |      |
| MHU-1           | 10' when adjacent to a residential district                                      | 10' when adjacent to a residential district | 5'   | 5'   |
| MHU-2           | 10' when adjacent to a residential district                                      | 10' when adjacent to a residential district | 5'   | 5'   |
| PRD             | In accordance with buffer requirements in Article 506.02.                        |   |  |      |
| PCD             | In accordance with applicable commercial zoning districts.                       |   |  |      |
| PMD             | In accordance with applicable commercial or industrial zoning districts.         |   |  |      |
| CUPD            | In accordance with interior and perimeter buffer requirements in Article 510.02. |   |  |      |

<sup>28</sup> May be waived by Harris County Planning Commission upon application review.

<sup>29</sup> May be waived by Harris County Planning Commission upon application review.

## Article 5. Subdivisions and Planned Developments

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## Article 5. Subdivisions and Planned Developments

Article 5 presents the different ways that land can be subdivided and developed, including minor and major subdivision approaches, conventional subdivisions, conservation subdivisions, and different types of Planned Residential Developments.

### Sec. 501. Minor Subdivisions.

#### 501.01 Minor Subdivisions, General Standards.

- (a) A "minor subdivision" is one in which no public improvements (such as new streets, a change to an existing street, or the extension of, stormwater drainage facilities or public utilities including water, sewer, or gas lines) are to be made.
- (b) Recombination lots do not constitute a minor subdivision, provided:

The combination or recombination of portions of previously platted lots results in an outcome where the total number of lots is not increased and the resultant lots are equal to the standards of this Development Code.
- (c) See Section 502.02 (b).
- (d) See Section 402.04(e).

#### 501.02 Minor Subdivisions, Limitations.

- (a) A "minor subdivision" is any division of a tract or parcel of land into less than 4 lots, building sites, or other type of division for the purpose, whether immediate or future, of sale, legacy, or building development, and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided.
- (b) Large lot splits.

The division of land into parcels of 30 acres or more where no new street is involved or no new utility improvements are required may be submitted for approval on a final plat if the subdivider chooses to forego preliminary plat review.
- (c) Minor subdivision minimum lot area: Minimum lot size shall be the lesser of the zoning district minimum lot area (per Section 404, Table 44-1) or one-third (1/3) of the existing parcel acreage; absolute minimum lot size resulting from minor subdivision shall be 2 acres.

#### 501.03 Dividing Property Among Immediate Family and Heirs.

- (a) Immediate family.

Subdividing property among immediate family shall comply with the following:

  - (1) The Community Development Director shall have the authority to waive certain regulations herein for special circumstances involving the subdividing of parcels of land to permit the subdivision of land with access frontage on a private easement road set forth in Article 9 of this Development Code wherein property is divided and transferred by gift from a property owner to members of his immediate family for the personal use of the family member receiving the gifted property.
  - (2) This authorization shall be limited solely to a property given to a landowner's immediate family which shall consist of spouse; children or descendants of children

where half-blood children are considered equally with whole-blood children so that children of any common parent are treated as brothers and sisters to each; brother or sister, stepbrother, or stepsister by blood or half-blood; father or mother; grandparents or grandchildren; stepfather or stepmother; aunts or uncles; nieces and nephews; son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law; and adopted family members or foster family members which are considered equal to those by blood.

- (3) Minimum Standards.
  - a. Maximum number of subdivided lots: 6
  - b. Minimum lot size: 2 acres
  - c. A subdivision of land among family where lot frontage and access is from a private easement road as provided for herein shall not constitute a major subdivision as defined in this Article.
- (4) The subdivided lots shall not be for resale or for speculation upon completion of a dwelling and shall not be subdivided again for a period of 5 years.
- (5) Any request for more than 6 lots shall be reviewed by the Community Development Director and then submitted to the Planning Commission with comments and recommendations for final determination.

(6) Appeals.

In the event that the request for subdivision among family members is disapproved by the Community Development Director, the decision denying such may be appealed to the Planning Commission within 30 days of the denial, in accordance with the provisions set forth in the "Appeals" Division of Article 11 (Procedures and Permits).

(b) Heirs.

Subdividing property among heirs shall comply with the following:

- (1) The Community Development Director shall have the authority to waive the subdivision regulations herein under special circumstances of a particular plat involving the subdividing of parcels of land where probated personal Last Wills and Testaments dictate the dividing of property among heirs.
- (2) Minimum Standards.

In special circumstances of this nature, the following standards shall apply:

  - a. No more than 6 parcels may front on a private easement road.
- (3) Any request for more than 6 lots shall be reviewed by the Community Development Director and then submitted to the Planning Commission with comments and recommendations for final determination.
- (4) Appeals.
- (5) In the event that the request for subdivision among heirs is disapproved by the Community Development Director, the decision denying such may be appealed to the Planning Commission within 30 days of the denial.

**501.04 Application Requirements and Permitting Procedures.**

For application requirements and permitting procedures, see the "Project Approval Division of Article 11 (Procedures and Permits) of this Development Code regarding the preliminary and final plat application review process for minor subdivisions.

**Sec. 502. Major Subdivisions.**

**502.01 Major Subdivisions, General Standards.**

The following do not constitute a major subdivision:

- (a) Recombination of lots does not constitute a major subdivision, provided:

The combination or recombination of portions of previously platted lots results in an outcome where the total number of lots is not increased and the resultant lots are equal to the standards of the County.

- (b) The division of land whereby all parcels are 30 acres or greater in size.

**502.02 Major Subdivisions, Defined.**

- (a) The following are included in the definition of a major subdivision:

- (1) A "major subdivision" is any subdivision that does not qualify as a "minor subdivision" under Section 501. Major Subdivisions are any divisions of a tract or parcel of land into 4 or more lots, building sites, or other divisions for the purpose, immediate or future, of sale, legacy or building development; or
- (2) Any division of land into 2 or more lots involving a new street or a change in existing streets; or
- (3) Any division of land involving the extension of water, sewer, or gas lines including re-subdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided.

- (b) Other qualified major subdivisions:

- (1) If it is determined by the Community Development Department at the time minor subdivision approval is being pursued by a subdivider, that the subject proposed minor subdivision is contemplated to be further subdivided by the subdivider or his/her transferees within a 2 year period of time from the date the first subdivision approval is obtained, and whereby, through said subdivisions of land, there is created 4 or more lots, building sites or other divisions, then the major subdivision requirements must be met at the very first instance by the original subdivider.
- (2) If it is determined by the Community Development Department at the time minor subdivision approval is being pursued by a subdivider, that the subject property of the proposed minor subdivision was derived as the result of a previous subdivision of land, which was approved under the minor subdivision requirements, and said previous subdivision of land occurred within 2 years from the current pursuit of minor subdivision approval and the result of approval of the current minor subdivision in conjunction with the previous subdivision would yield 4 or more lots, building sites or other divisions of land, then the current subdivision of land shall be subject to the major subdivision requirements.

**502.03 Types of Major Subdivisions and Planned Developments.**

- (a) Major subdivisions and planned developments fall into the following categories for the purpose of development regulation.
  - (1) **Conventional Subdivisions:** Subdivisions in which the minimum lot size allowed for the zoning district determines the maximum number of lots in the subdivision, and all of the lots meet the minimum lot size for the zoning district as shown in Article 2 of this Development Code. Common open space outside of the lots may be created, but is not required, with the exception that designated conservation areas, as defined by this Article in Section 512, are required to be protected.
  - (2) **Conservation Subdivisions:** Subdivisions in which the maximum number of lots that would be allowed in a conventional subdivision under the property's zoning is the determining factor for the maximum number of lots in the subdivision, but the minimum lot size may be reduced due to a higher level of development standards (i.e. enhanced development quality) and in order to create substantial conservation areas and recreational amenities for the subdivision residents.
  - (3) **Senior Housing Developments:** Developments with specialized design and amenities oriented toward senior citizens and associated resident age-based restrictions.
  - (4) **Planned Unit Developments (PUDs):** Developments which permit greater flexibility and encourage more creative and imaginative design for development of residential, commercial, or manufacturing areas than conventional zoning regulations.
  - (5) **Community Unit Planned Developments (CUPDs):** Developments that are large, planned and mixed use in nature, including both residential and commercial components, located in areas in the county that can physically and environmentally accommodate development of an urban character and where sufficient transportation infrastructure, utility infrastructure, and governmental services are either planned or readily available to support the development.
  - (6) **Commercial Outdoor Recreation Developments:** Developments that encompass active and/or passive outdoor recreation activities.
  - (7) **Other Planned Developments:** Developments which include manufactured home parks, apartment buildings and complexes, and condominiums. For the purposes of this Article, planned developments other than the above defined types of Planned Unit Developments are controlled by the provisions of their respective zoning districts, or as specified herein.
- (b) Permanent Protection Required.

All conservation areas in a conventional subdivision, conservation subdivision or PUD that are required to be protected by the provisions of this Article, shall be permanently protected from further subdivision, development, and unauthorized use, by the method described in Section 512 of this Article.

- (c) Summary Table.

Table 5-1 presents a summary of the requirements of this Article as they apply to each of the types of major subdivisions and developments. Refer to the text of this Article for specific provisions. For specific regulations pertaining to a CUPD or CORD, refer to Section

510 and 511. For requirements in Other Planned Developments, as described above, refer to the provisions of their respective zoning districts.

Table 5-1: Summary Comparison of Subdivisions & Developments

|   | Conventional Subdivision                                     | Conservation Subdivisions   | Planned Unit Developments    | Senior Housing Developments                      |
|---|--|---|------------------------------|--|
| Approval  | By right in R-R, R-1, R-2 and R-3 Districts                  | By right in A-1, R-R, and R-1 Districts   | PUD zoning required          | By Special Use Approval in R-2 and R-3 Districts |
| Max. Number of Lots   | All lots must meet minimum standards for the zoning district | Per maximum density calculation or yield plan and Master Plan Approval          | Per PUD zoning approval      | Per Master Plan Approval                         |
| Max. Number of Lots with Frontage on Existing Public Street | Two (2)  | Per Master Plan Approval  | Per PUD Zoning Approval      | Per Master Plan Approval                         |
| Minimum Lot Size: Public Water + Septic                     | Per zoning district (See Table 4-1)                          | 1 acre or per Health Department requirements, whichever is greater for each lot | Per Planned Development type | N/A<br><br>(Public water and sewer requirements) |
| Minimum Lot Size: Public Water & Sewer                      | Per zoning district  | Per Master Plan Approval  | Per Planned Development type | Per Master Plan Approval                         |
| Conservation Areas to be Protected Permanently              | When applicable  | Yes   | Yes                          | When applicable                                  |

**502.04 Application Requirements and Permitting Procedures.**

For application requirements and permitting procedures for major subdivisions, see the Project Approval Division of Article 11 (Procedures and Permits) of this Development Code regarding the preliminary and final plat application review process for major subdivisions.

**Sec. 503. Conventional Subdivisions.**

**503.01 Maximum Number of Lots.**

The maximum number of lots in a conventional subdivision shall be determined by the minimum lot size requirements of the zoning district in which the subdivision is located, with the exception of lots served by on-site sewer (septic tank) which shall also be subject to the approval and lot size standards of the Health Department.



**503.02 Minimum Lot Size.**

In a conventional subdivision, the minimum total lot area and the minimum lot area per dwelling unit required by Article 4 (Lot and Building Standards) establishes the minimum lot sizes for each lot.

**503.03 Minimum Lot Width, Setbacks.**

The lot width and setback requirements of Article 4 (Lot and Building Standards) apply to each lot in a conventional subdivision.

**Sec. 504. Conservation Subdivisions.**

Conservation subdivisions, as defined herein, are allowed in accordance with the Principal Use Table in Article 2 (Table 2-1) with respect to residential use, provided that a Conservation Subdivision Concept Master Plan has been approved by the Board of Commissioners at the time of the rezoning of the property or by Planning Commission as part of the development review process as of the effective date of this Development Code.

**504.01 Purpose.**

The purposes of a conservation subdivision include:

- (a) To provide residential subdivisions which permit flexibility of subdivision design in order to promote environmentally sensitive and efficient uses of the land.
- (b) To allow clustering of houses and structures on less environmentally sensitive areas to effectively reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
- (c) To encourage the development of residential communities that are density neutral based on standard zoning and conventional development standards, but designed to preserve and protect environmental resources, scenic vistas, and natural and cultivated landscapes.
- (d) To enhance land, water, air, and tree resources by minimizing the area of land disturbance, reducing impervious surface, optimizing stream buffers, preserving tree cover and encouraging the conservation of environmentally sensitive areas and the provision of open space.
- (e) To reduce infrastructure maintenance costs due to efficient community design.
- (f) To provide open space and pedestrian linkages among residential communities and to encourage recreation opportunities.
- (g) To preserve and protect contiguous undeveloped areas within the development.
- (h) To preserve in perpetuity unique or sensitive natural resources such as groundwater, flood-plains, wetlands, streams, steep slopes, woodlands and wildlife habitat.

**504.02 Minimum Standards.**

This Section sets forth the minimum standards for conservation subdivisions, including minimum lot sizes and buffer widths. For comparison, the minimum standards for a conventional subdivision are also included.

- (a) Minimum lot sizes.
  - (1) Conventional Subdivision: Minimum 2 acres (typical of A-1 and R-1)

- (2) Conservation Subdivision:
  - a. 1.5 acre with private water (well) and septic, or as required by the County Health Department.
  - b. 1 acre with public water and septic or as required by the County Health Department.
  - c. As per master plan approval with public water and sewer.

(b) Minimum buffer widths.

Minimum buffer widths below are required between lots in a conservation subdivision and an adjoining existing public road right-of-way.

- (1) Conventional Subdivision: None required.
- (2) Conservation Subdivision: 100 feet or as approved by Planning Commission per condition of zoning approval.

**504.03 Application Requirements.**

At the time of development review (i.e., preliminary plat), or zoning action (i.e., rezoning) for the development of a conservation subdivision, the following items shall be provided in addition to the zoning or development application.

(a) Yield Plan.

At time of development review or if a zoning action is proposed, a Yield Plan at the same scale and size as the Site Analysis map and conservation Concept Master Plan, prepared by a registered landscape architect, engineer or land surveyor must be provided to determine the maximum allowable net density for the development.

A Yield Plan shall contain the following information with respect to the tract:

- (1) A topographic map prepared from aerial or field data of a contour interval of 5 feet or less;
- (2) Exact boundary lines of the tract with bearings and distances;
- (3) The location, width and names of all existing or platted streets, easements or other public ways within or adjacent to the subdivision, existing permanent buildings, railroad rights-of-way, natural watercourses, flood hazard areas, wetlands, utilities and other significant natural and man-made features;
- (4) Proposed street rights-of-way and pavement locations and widths;
- (5) Proposed lot locations with preliminary lot dimensions noted and designed to the requirements and standards for conventional subdivision design in the underlying zoning district of this Development Code;
- (6) Proposed location of storm water detention or retention facilities;
- (7) Graphic scale and north arrow;
- (8) Notation in table format as to the number of lots on the Yield Plan, the total acreage of the property, minimum lot size, average lot size; and

- (9) Any additional information as may be reasonably required to permit an adequate evaluation of the proposed Yield Plan to accurately determine the maximum number of lots.

(b) Site Analysis Map.

At time of development review, or if a zoning action is proposed, an existing features site analysis, sealed by a registered engineer or landscape architect, must be provided to identify areas that are most significant for designation as conservation areas.

The existing features site analysis shall include the following information:

- (1) Property boundaries
- (2) Topographic contours at intervals no greater than 2 feet
- (3) Delineation of streams, rivers, lakes, wetlands and other hydrologic features to include the source of this information
- (4) All conservation areas labeled, as described in Section 512;
- (5) General soil types, locations and characteristics;
- (6) Identification of tree lines, woodlands, open fields or meadows;
- (7) Delineation of steep slope areas (i.e. greater than 25% and at least 5,000 square feet contiguous area);
- (8) Identification of known cultural resources, including a brief description of historical and archeological features and structures;
- (9) Identification of existing roads, structures and easements; and
- (10) Identification of open space in adjacent developments including potential connection to existing trails and greenspace

(c) Concept Master Plan and Conservation Subdivision Preliminary Plat.

Based on the density determination (calculation shown in table format on the yield plan) and the existing features site analysis, an overall Concept Master Plan showing development of the entire tract shall be submitted by the developer for review and approval in accordance with the preliminary plat and/or rezoning requirements and procedures of Article 11 (Procedures and Permits) of this Development Code.

A Concept Master Plan shall include the following information:

- (1) Delineation and specifications of conservation areas including calculations and exclusions, and any "pocket parks," "greens," play areas, or trail system to be constructed.
- (2) Delineation of residential development lots indicating lot size, lot width, building setback lines, off-street parking, street trees, sidewalks, and street pavement and right-of-way width.
- (3) Lot width average, area and percent of floodplain specifications in tabular form; and density calculations (gross and net).
- (4) Designation on each proposed lot of a minimum 25,500 square feet (not including house and pavement footprints) of soil areas suitable for residential septic systems

based on a Level II (or higher) Soil Scientist Report, prepared by a Georgia licensed Soil Scientist or other professional licensed by the State of Georgia to perform soil analysis.

**504.04 Open Space Standards.**

(a) Minimum Area.

The minimum area of open space preserved shall be determined by the net density from the yield plan and the actual lot size.

For example: if the net density for a 50-acre A-1 property computes to be one lot per 2.38 acres (21 lots) per the yield plan and the average lot size proposed by the concept master plan is one acre, then 21 acres will be in lots, about 2.5 acres in right-of-way and the remaining 26.5 acres will be in perpetual open space. This will vary from one subdivision to the next but open space shall be at least 50% of the total site.

(b) Physiographic characteristics.

The types of land area included in the open space shall include all primary conservation areas and such secondary conservation areas as appropriate. See Section 512 of this Article for descriptions of conservation areas.

(c) The open space shall be an integrated part of the project rather than an isolated element and fragmentation of the open space shall be minimized. Individual open space parcels generally shall be larger than 3 acres, have a length to width ratio of no less than 4:1 and a width of at least 75 feet. Exceptions may be made for entrances to trails and other particular uses as deemed appropriate by the county.

(d) The open space shall be directly accessible to the largest practical number of lots within the subdivision. Non-adjointing lots shall be provided with safe, convenient access to the open space.

(e) Where practical, open space areas shall also be configured to provide a landscape buffer between adjoining property outside the conservation subdivision and the house sites within the subdivision. With the exception of approved fences and signs, a 50-foot landscape buffer shall be maintained between structures and the exterior boundaries of the subdivision. The intent is to decrease potential conflicts between various land uses (e.g., residential vs. agricultural uses).

(f) See also the open space ownership and management requirements of Section 515.

**504.05 Allowed Uses of Open Space.**

(a) Uses of open space may include the following, subject to additional restrictions in Section 512:

(1) Conservation of natural, archeological or historical resources;

(2) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;

(3) Walking or bicycle trails;

(4) Parks, community gardens, playing fields or recreation facilities primarily for the use of the subdivision residents and their guests;

- (5) Landscaped storm water detention areas and community water and sewage disposal systems located on soils particularly suited to such uses;
  - (6) Easements for drainage, access, and sewer or water lines, or other public purposes;
  - (7) Underground utility rights-of-way; and
  - (8) Other conservation-oriented uses if approved by the Board of Commissioners.
- (b) Non-permitted uses of open space include the following:
- (1) Roads and non-permeable paved surfaces unless approved otherwise by Harris County;
  - (2) Above-ground utility rights-of-way unless approved otherwise by Harris County; and
  - (3) Other uses inconsistent with the purposes of these regulations and this Development Code.

**Sec. 505. Planned Unit Developments.**

**505.01 Purpose and Intent.**

The intent of Planned Unit Development (PUD) zoning is:

- (a) To permit greater flexibility and, consequently, more creative and imaginative design for development of residential, commercial, or manufacturing areas than is generally possible under conventional zoning regulations; and
- (b) To promote more economical and efficient use of land while providing a harmonious variety of housing choices, higher level of amenities, and preservation of natural qualities of open spaces;

**505.02 Planned Unit Developments, Defined.**

Planned Unit Developments include land development projects comprehensively planned as an entity through a concept master plan which permits flexibility in building siting, mixtures of housing types and land uses, usable open spaces, and the preservation of significant natural features. Planned Unit Developments are initially approved through the rezoning process for the following zoning districts, unless specified otherwise.

The following types of planned unit developments are permitted in Harris County:

- (a) Planned residential development: A planned development whose primary or principal land use is residential.
- (b) Planned commercial development: A planned development whose primary or principal land use is commercial.
- (c) Planned manufacturing development: A planned development whose primary or principal land use is manufacturing.
- (d) Community unit planned development: A planned developments that contain a mix of uses, including residential and commercial components.
- (e) Planned Senior Housing Development: A planned development whose primary or principal land use is residential, limited to a population 55 years of age or older, in accordance with HUD. A Planned Senior Housing Development is not a zoning district but is permitted as a

special use in certain residential zoning districts as indicated in Table 2-1 of this Development Code.

**505.03 General Standards.**

- (a) Planned Unit Development Districts are separate zoning districts and shall follow the same amendment procedures as other zoning districts. Unless otherwise stated in this Article, the development standards and the land uses that are presented with the application for amendment, shall, if approved, become the standards for the subject property and shall become a part of the zoning approval.
- (b) Any PUD that was approved prior to the adoption of this Development Code or amendments to the Code shall continue to be developed under the provisions and conditions of zoning approval that applied at the time of rezoning unless a new application for PUD approval is brought for zoning approval under the provisions of this Development Code.
- (c) Allowed Uses.
  - (1) Within the PUD zones, a variety of housing types and land uses may be permitted in an orderly relationship to one another and to existing land uses, as well as with due regard to comprehensive planning within Harris County.
  - (2) In Planned Unit Developments (PUDs), uses that are allowed are established through approval of the planned development and are not indicated in the Use Tables. The allowed uses will correspond with uses allowed in the various zoning districts under which the PUD is developed.
- (d) The regulations and development plan requirements for each PUD are intended to evaluate each application on its own merit.
  - (1) It is recognized that some concepts will be more appropriate than others and the approval of an application in one location does not necessarily indicate the development will be applicable in other locations. It should be emphasized that those provisions are not to be used to circumvent the intent or use of conventional zoning standards.
  - (2) Certain development standards, including but not limited to height limitations, nonresidential building densities, interior setbacks, and total tract coverage, shall be approved conditionally by the Board of Commissioners.
- (e) No general PUD Districts are to be created under this ordinance. The regulations for PUD Districts existing at the time of passage of this ordinance shall be the same as those of the PRD, PCD, and PMD Districts, whose primary uses are similar.

**505.04 General Development Requirements for PUDs.**

- a. Structures and open spaces shall be arranged in such a way as best serves the needs of residents and commercial users of the planned development, and to minimize any adverse effects on the neighboring districts.
- b. Scenic assets and natural features, such as trees, streams, and topographic features, shall be protected and preserved to the greatest extent possible.
- c. Recreation and amenities.

At least 50% of the area remaining after the development of buildings, parking, right-of-way, and utility and drainage easements, shall be developed to serve the uses of the development with, including but not limited to, landscaping, patios, walks, play areas, recreation, and other uses consistent with the character of the planned development.

- d. Setbacks.
  1. Building setbacks and buffers shall recognize and honor existing, adjacent land development.
  2. However, in no case shall a building be constructed closer than 35 feet from the planning development district boundary.
  3. Setbacks from any adjoining roadway right-of-way shall be the same as those for the individual uses relative to the appropriate, individual zoning designation when the lot abuts a major/arterial or secondary/collector roadway.
  4. When a respective lot abuts a minor or local street then the setback may be reduced upon approval by the Board of Commissioners.
- e. Adequate screening and separation between different land uses shall be provided by buffering or other acceptable methods.
- f. Vehicular access to the planned development shall be from streets capable of supporting existing and projected traffic. No streets or access roads within the planned development shall connect to the public street system in such a way as to encourage the use of secondary/collector streets or minor/local streets as thoroughfares.
- g. The planned development shall include provisions for safe and convenient pedestrian access and circulation.

**505.05 Applications for PUD Approval.**

Applications for a Planned Unit Development shall comply with the applicable requirements set forth in the Project Approval Division of Article 11 (Procedures and Permits) of this Development Code.

**Sec. 506. Planned Residential Development (PRD)**

**506.01 Purpose and Intent.**

- (a) To encourage development in areas of the county that have the required infrastructure and are capable of supporting the residential, recreational, and commercial features.
- (b) Principal land uses shall be residential, with secondary commercial uses permitted with limitations detailed in this Section 506.03.

**506.02 Minimum Development Standards.**

- (a) Minimum total development area: 100 acres
- (b) Residential Lots.
  - (1) Minimum Lot Size: ½ acre

- (2) Minimum Setbacks:
  - a. Front: 30 feet
  - b. Rear: 30 feet
  - c. Side: 15 feet
  - d. Side Streets: 20 feet
- (c) Commercial Lots.
  - (1) Standards for commercial development shall adhere to regulations set forth in Table 4.1 of Article 4 of this Development Code.
  - (2) A minimum of 10% of the net development area shall be designated for C-1 or C-3 commercial development. This area may be set in reserve, with natural vegetation, until such time that commercial development is feasible yet shall be easily accessible by pedestrian traffic from residential areas and highway traffic from development access points. Any future proposed change in the planned location or quantity of designated commercial development shall be considered a major change and shall require a formal development plan amendment in accordance with Article 11, Section 111106.
- (d) Infrastructure.
  - (1) All PRD lots shall have public water and public sewer; No septic tanks shall be permitted.
  - (2) Developer shall be responsible for all costs to connect to public water and public sewer, regardless of political boundaries, to include all taps, fire plugs, and main, as well as the cost for any property or easement acquisition.
- (e) Buffers.

A minimum 100-foot undisturbed vegetative buffer shall be maintained around the perimeter of the development outside of road rights-of-way.
- (f) Housing composition.

75% of the dwelling units shall be single family units, at minimum.
- (g) Roads.
  - (1) Curb and gutter.

Roads within residential and commercial development areas shall have curb and gutter and shall have a minimum right-of-way width of 55 feet, including 20-foot paved surface, and 2.5 foot curb and gutter.
  - (2) Utility easements shall be on either side or both sides of paved road surface (including curb and gutter) and may fall within the right-of-way.
  - (3) In the absence of curb and gutter, roads shall meet minimum regulations as set forth in Article 9 in the Development Code.
  - (4) No on-street parking shall be permitted in residential or commercial development areas without adequate parking space provided between curbs (i.e. width of paved



surface would increase from 20 feet to 34 feet or greater). On-street parking shall comply with applicable provisions set forth in Article 6, Parking and Loading Requirements, of this Development Code.

(h) Utilities.

All utilities shall be underground.

**506.03 Allowed Uses.**

(a) Uses in a PRD Development shall be evaluated upon review of the rezoning request and development plan in accordance with Section 505.03 and the criteria in this section.

(b) Principal land uses:

(1) Residential, including R-1, R-2, R-3 districts.

(2) Residential development shall comply with housing composition requirements in Section 506.02(f).

(c) Secondary land uses:

(1) Commercial:

a. C-1, C-3 district uses.

b. Commercial development shall comply with percentage requirements in Section 506.02.

(2) Other: CORD district uses.

**506.04 Open Space Amenity Requirements.**

(a) Applicability.

PRD shall have a minimum of 3 open space amenities, without duplication, as described in this section. At least 2 of the amenities shall be located on land suitable for residential or commercial development.

(b) General provisions for open space.

(1) Land designated as open space on the approved development plan shall be maintained as open space and may not be subdivided or used for development.

(2) Access for a public or private street shall be provided to all designated open space with a minimum of 20-foot wide access to the open space areas. Lakes or ponds within the development used as open space shall provide adequate community access to at least 50 percent of the shoreline and an undisturbed natural buffer of 20 feet from the full pond mark and beyond the required access corridor. The required 20-foot undisturbed natural buffer shall not be included in the calculation of Minimum Open Space as set forth in this article.

(3) Open spaces shall be designated on plat as either public or private open space.

a. Private open space is provided for benefit to owners and guests of owners within the development;

b. Public open space is provided for benefit to the public at large.

(c) Minimum open space dedication.

Open space shall be dedicated in accordance with the table below. Percentages are based on total land area in the development. Roads, medians, buffers and road shoulders are not considered open space, but are included in the total development area for these calculations.

Table 5-2: Minimum Open Space Requirements

| Minimum Density*               | Minimum Percent Open Space |
|--------------------------------|----------------------------|
| 2.0 acres and greater per unit | 20%                        |
| 1.0—2.0 acres per unit         | 25%                        |
| Less than 1.0 acre             | 35%                        |

\*Minimum density is calculated by dividing the total development area by the total number of dwelling units.

(d) Open space amenities.

All required open space shall be classified in accordance with this Section.

- (1) **Playground.** Playground is for active recreation use and provides sunny and shaded play areas, shelter(s), benches, gymsets, swings or similar play equipment. Playgrounds may stand alone or be incorporated into other types of open space. Minimum size 25,000 square feet.
- (2) **Square.** Square is an area for passive recreational use. Squares shall be bounded by streets on a minimum of 50% of their perimeter yet are encouraged to be completely bounded by streets or lanes. Squares are intended to be formal or semi-formal, be maintained with canopy trees and a landscaped understory or ground cover and have features that encourage use by residents. Minimum size 10,000 square feet.
- (3) **Green.** Green is an open space for active recreation use. Greens shall be completely open with grass cover to provide space for ballfields and other recreation activities that require relatively large open areas. Greens shall contain no structures and be bounded by streets on no more than 1 side. Minimum size 150,000 square feet.
- (4) **Park.** Park is a open space for passive or active recreational use. Parks shall incorporate features that promote use such as shelters, tables, benches, and walking paths. Natural features such as streams can be incorporated into parks. Where feasible, parks should include a majority of the area covered with canopy trees with limited understory growth and/or landscaping to promote aesthetics and safety. Parks may include golf courses and water features. Minimum size 100,000 square feet.
- (5) **Greenway.** Greenways are large irregular open spaces designed to incorporate natural settings such as creeks, or other natural or manmade features. Greenways can be used for certain active recreational uses including, at a minimum, trails for walking, jogging, and biking. Greenway shall connect points of interest such as other amenities, or areas of other civic use. Minimum width 75 feet.

- (6) Agricultural reserve. Agricultural Reserve is for active farming in the form of food or forage crop cultivation. Agricultural Reserves shall contain multiple forms of agricultural production including community gardens. Minimum area 3 acres.
- (e) Open space ownership and maintenance.
- (1) Open space in a PRD may be owned by one or a combination of the following methods:
    - a. Fee simple ownership by a land or open space conservancy;
    - b. Common ownership by a permanent Homeowners Association;
    - c. Common ownership by individual property owners within the subdivision;
    - d. Individual private ownership that maintains the open space in accordance with the purposes of this section (only in the case of Agricultural Reserve open space); and
    - e. Deed restricted open space easements on individual private properties.
  - (2) In all cases, development rights shall be restricted; oversight and enforcement will be provided by a land or open space conservancy.
  - (3) The owner of open space will be responsible for the upkeep and maintenance of open space.
  - (4) In the case of common ownership by a Homeowners Association (HOA), the restrictive covenants shall provide that in the event the HOA fails to maintain the open space according to the standards of this section, the Board of Commissioners may demand that the deficiency of maintenance be corrected, or upon reasonable notice, enter the open space to maintain it. The costs of such maintenance may be charged to the owner, HOA, or to the individual property owners that make up the HOA and may include administrative costs and penalties. Such costs shall become a lien on all properties within the PRD.
  - (5) The developer shall place in a conspicuous manner upon the Final Plat of the subdivision a notation concerning control of open space and shall record in the deed records of Harris County a permanent non-revocable easement and a declaration of covenants.
  - (6) The developer will provide proof of formation, registration and incorporation of the HOA with the Secretary of State to the Community Development Director prior to approval of a Final Plat.
  - (7) HOA or similar legal entities that are responsible for the maintenance and control of open spaces shall be established by the developer who shall record in the deed records of Harris County in the office of the Clerk of Superior Court a declaration of covenants and restrictions that will govern the HOA or similar legal entity. A copy of such document shall be provided to the Community Development Director and shall include, at a minimum, the following:
    - a. A provision for the establishment of the HOA or similar legal entity prior to approval of a Final Plat.

- b. The HOA or similar legal entity has clear legal authority to maintain and exercise control over such common open space.
- c. The HOA or similar legal entity has the power to assess and compel contributions from property owners within the development to cover the cost of maintenance and upkeep of open spaces. Assessments levied shall become a lien on the property, if unpaid.
- d. Open space restrictions are perpetual.
- e. The HOA or similar legal entity must have the ability to adjust the assessment to meet expenses.
- f. The HOA or similar legal entity must be responsible for liability insurance, applicable state, county, and municipal property taxes and maintenance of open spaces and other facilities under its control.
- g. It shall be expressly stated within the restrictive covenants or HOA operating documents that it will be the responsibility of the developer or successors or assigns to enforce such covenants and restrictions or to correct any deficiencies prior to transfer of control to the HOA Board of Directors.
- h. It shall be the responsibility of the developer to identify an appropriate land or open space conservancy and to record in the deed records of Harris County in the office of the Clerk of Superior Court an arrangement for control or oversight of open space maintenance in a land trust or similar conservation-oriented non-profit organization that is bona fide and in perpetual existence and the conveyance instrument shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions.

**506.05 Rezoning procedures.**

Applications for a Planned Unit Development (Rezoning Procedures) shall comply with the applicable requirements set forth in the "Approval of Text Amendment or Zoning Change Division of Article 11 (Procedures and Permits) of this Development Code.

**506.06 Application for Preliminary Plat and Final Plat Approval.**

Applications for Preliminary Plant and Final Plat Approval shall comply with the applicable requirements for subdivisions set forth in the "Project Approval" Division of Article 11 (Procedures and Permits) of this Development Code

**Sec. 507. Planned Commercial Development (PCD)**

**507.01 Minimum Development Standards.**

- (a) Minimum development area: 50 acres.
- (b) Maximum residential density: 1 dwelling per net residential acreage.
- (c) Minimum development standards shall be as specified in approved development plan in accordance with the requirements herein.

**507.02 Allowed Uses.**

- (a) Uses in a PCD Development shall be evaluated upon review of the rezoning request and development plan in accordance with Section 505.03 and the criteria in this section.

- (b) Primary or principal land use: Commercial.

Uses of property and buildings in this district are the same as those permitted in C-1, C-3, C-4 Districts.

- (c) Secondary uses: Residential and CORD District uses.

Uses of property and buildings in this district are the same as those permitted in R-1, R-2, R-3, and CORD Districts.

**507.03 General Requirements.**

- (a) The associated rezoning procedures and required Concept Master Plan shall be in accordance with the provisions of the "Approval of a Text Amendment or Zoning Change" Division of Article 11 (Procedures and Permits) of this Development Code.
- (b) Once the Concept Master Plan and rezoning request have been recommended for approval by the Planning Commission and approved by the Board of Commissioners; or, if the existing zoning is appropriate, preliminary and final plat procedures as set forth in the "Project Approval" Division of Article 11 (Procedures and Permits) of this Development Code shall apply.

**Sec. 508. Planned Manufacturing Development (PMD)**

**508.01 Minimum Development Standards.**

- (a) Minimum development area: 100 acres.
- (b) Maximum residential density: 1 dwelling per net residential acreage.

**508.02 Allowed uses.**

- (a) Uses in a PRD Development shall be evaluated upon review of the rezoning request and development plan in accordance with the "Approval of a Text Amendment or Zoning Change" Division of Article 11 (Procedures and Permits) of this Development Code, the criteria in this section, and applicable use regulations of Article 2 (Use of Land and Structures).
- (b) Primary or principal land use: Manufacturing.  
Uses of property and buildings in this District are the same as those permitted in M-1 and M-2 Districts.
- (c) Secondary uses: Residential, Commercial, and CORD District uses.  
Uses of property and buildings in this District are the same as those permitted in R-1, R-2, R-3, C-1, C-3, C-4, and CORD Districts.

**508.03 General Requirements.**

- (a) The associated rezoning procedures and required Concept Master Plan shall be in accordance with the provisions of the "Approval of a Text Amendment or Zoning Change" Division of Article 11 (Procedures and Permits) of this Development Code.
- (b) Once the Concept Master Plan and rezoning request have been recommended for approval by the Planning Commission and approved by the Board of Commissioners; or, if the existing zoning is appropriate, preliminary and final plat procedures as set forth in the

“Project Approval” Division of Article 11 (Procedures and Permits) of this Development Code shall apply.

**Sec. 509. Planned Senior Housing Development.**

**509.01 Purpose and Intent.**

Senior Housing Developments provide a development opportunity for neighborhoods with specialized design and amenities oriented toward senior citizens.

The intent of Senior Housing Developments is:

- (a) To meet the need for senior housing in Harris County;
- (b) To allow senior citizens to live and remain in Harris County through different life cycle stages;
- (c) To provide a range of housing choices that can enable seniors of various abilities and income levels to live without leaving established networks of nearby family and friends;
- (d) To provide senior housing project design that meets the safety and physical access needs of residents;
- (e) To provide senior housing with opportunities for social, recreational, and other services that contribute to the independence and well-being of seniors; and
- (f) To provide housing for seniors properly located near services, shopping, transportation, and support networks.

**509.02 Age Restrictions.**

- (a) One or more persons who are seniors aged 55 and over.
- (b) A spouse of a qualified resident senior citizen.
- (c) Exception.

Notwithstanding the other provisions of this section, one unit may be occupied by a project superintendent or manager and his/her immediate family, provided that at least 80% of the units have at least one occupant who is aged 55 or over.”

**509.03 Minimum Development Standards.**

Table 5-3 and the associated provisions in this section provide the minimum development standards for planned senior housing district development.

Table 5-3: Planned Senior Housing District Development Standards

| Zoning District                  | Min. Lot Area | Lot Width at Building Line | Minimum Setbacks |   |       | Max. Building Height                                       | Max. Lot Coverage |
|----------------------------------|---------------|----------------------------|------------------|---|-------|--|-------------------|
|                                  |               |                            | Front            | Side                                      | Rear  |  |                   |
| R-1<br>(Low Density Residential) | 20,000 sf     | 80 ft                      | 25 ft            | Interior Lot: 10 ft<br>Side Street: 25 ft | 25 ft | Principal Bldg:<br>2.5 stories or 35 ft<br>Accessory Bldg: | 40%               |

| Zoning District                                   | Min. Lot Area                        | Lot Width at Building Line           | Minimum Setbacks   |  |  | Max. Building Height   | Max. Lot Coverage  |      |
|---|--------------------------------------|--------------------------------------|--------------------|--|--|--|--------------------|------|
|   |                                      |                                      | Front              | Side                                     | Rear                                     |  |                    |      |
|   |                                      |                                      |                    |  |  | 2 stories or 25 ft   |                    |      |
| R-2 <sup>30</sup><br>(Medium Residential) Density | 10,000 sf                            | 60 ft                                | 25 ft              | Interior Lot: 5 ft<br>Side Street: 15 ft | 25 ft                                    | Principal Bldg:<br>2.5 stories or 35 ft<br>Accessory Bldg:<br>2 stories or 25 ft | 50%                |      |
| R-3<br>(High Density Residential)                 | Detached single-family dwelling unit | 6,500 sf                             | 35 ft              | 10 ft                                    | Interior Lot: 5 ft<br>Side Street: 10 ft | 15 ft  | 3 stories or 50 ft | 50%  |
|   | Attached single-family structure     | 2 acres; not to exceed 20 units/acre | 22 ft per dwelling | 0 ft                                     | 0 ft                                     | 0 ft   |                    | 100% |
|   | Multi-dwelling unit structure        | 2 acres; not to exceed 20 units/acre | 100 ft             | N/A                                      | N/A                                      | N/A  |                    | 50%  |

(a) Minimum total development area: 100 acres.

(b) Standards for Commercial Lots.

Standards for commercial development shall adhere to regulations set forth in Table 4.1 of Article 4 of this Development Code.

(c) Buffers.

A minimum 30-foot undisturbed vegetative buffer around the perimeter of the development outside of road rights of way.

(d) Infrastructure.

(1) All planned senior housing developments shall be connected to public water and public sewer; No septic tanks shall be permitted.

<sup>30</sup> Applies to single- and two-family lots

- (2) Developer shall be responsible for all costs to connect to public water and public sewer, regardless of political boundaries, to include all taps, fire plugs, and main, as well as the cost for any property or easement acquisition
- (e) Building design standards.  
All dwellings shall incorporate accessibility standards which shall include the following:
  - (1) A step-free feature to at least one entrance of the unit.
  - (2) 36-inch wide, clear passage doorways throughout the unit.
  - (3) Wheelchair, step-free access to the following areas, at a minimum: kitchen; dining area; entertainment area (e.g., living room/den, great room, etc.); at least one bedroom; at least one full bathroom; and laundry room with washer/dryer connection.
  - (4) Reinforced bathroom walls to allow for future installation, if necessary, of grab bars.
- (f) Roads.
  - (1) Curb and gutter.  
Roads within all residential and commercial development areas shall have curb and gutter and have a minimum right-of-way width of 55 feet, 20 foot paved surface, and 2.5 foot curb and gutter.
  - (2) Utility easements shall be on either side or both sides of paved road surface and may fall within the right-of-way.
  - (3) Roads shall also meet all applicable regulations in Article 9 (Project Design and Construction Standards).
- (g) Parking.  
On-street parking within residential or commercial development areas must provide adequate parking space provided between curbs (i.e. width of paved surface would increase from 20 feet to 34 feet). On-street parking shall comply with applicable provisions set forth in Article 6 (Parking and Loading Requirements) of this Development Code.

**509.04 Land Use Composition.**

- (a) Allowed uses shall be in accordance with approved development plan, in accordance with applicable provisions of this article and Article 2 (Use of Land and Structures).
- (b) Residential Uses.  
A range of residential housing types is permitted to accommodate various abilities and income levels of residents. Appropriate housing types include, but are not limited to single family detached, single family attached, townhomes, multi-family dwellings, and others, as approved by the Board of Commissioners during the application review process.
- (c) Commercial Uses.  
Commercial land uses compatible with senior housing districts include, but are not limited to medical, health, and/or dental offices; pharmacies; restaurants/café's; Market/convenience store; salon/spa/barber shop; amenities.
- (d) Mixed Uses.



Senior housing districts may provide for a mix of uses on the first floor of multi-family buildings or within a senior housing district.

(e) Required Amenities.

Alternative amenities appropriate for seniors may be substituted for required residential amenities of comparable cost. Amenities and services appropriate for senior housing districts include but are not limited to clubhouses with group dining facilities, meeting rooms, or computer rooms; pavilion buildings; passive recreational greenspace; walking trails constructed to ADA standards; gardens; wellness center; and inter-faith chapel.

**509.05 Ownership control.**

- (a) All of the land in a planned senior housing development initially shall be in single ownership by an individual, a partnership, tenants in common, a corporation or by some other legal entity.
- (b) The use of common open space and open green space and other common areas shall be governed by an owner's association which shall provide for: all users to have equal access and right of use to all shared facilities; perpetual and continued maintenance of open and shared space; tax liability in the case of default; mandatory membership in the owner's association and its creation is required before any individual properties are sold; the method of assessment for dues and related costs; and where appropriate, party wall maintenance and restoration in the event of damage or destruction.
- (c) Owners associations, including homeowner's associations, covenants or similar private agreements shall comply with the provisions of Section 515.

**509.06 Compliance with the U.S. Department of Housing and Urban Development.**

- (a) The organization established for the management of the development shall comply with the U. S. Department of Housing and Urban Development (HUD) rules and regulations for verification of occupancy and shall maintain procedures for routinely determining the occupancy of each unit. Such procedures may be part of a normal leasing or purchasing agreement and must provide for regular updates as required by HUD.
  - (1) Deed Restrictions.

Approval of a special use for a development consisting of senior housing shall be conditioned upon either the placement of restrictive covenants on the deeds or the developer/organization established for the management of the development, ensuring and enforcing compliance. These restrictions shall run in perpetuity with the land and in either case:

- a. Occupancy shall be limited to persons in accordance with age restrictions as noted in section above as well as state and federal housing guidelines; and
- b. No further development of the parcel including increasing the number of dwelling units or enlarging the permitted buildings is allowed without first applying for and receiving a revised special use approval.

**509.07 Special Use Approval Required.**

Because planned senior housing developments allow housing types and nonresidential uses that may not otherwise be allowed in a zoning district, approval of a special use is required. An

application for a senior housing development shall follow the zoning process for special use approval as prescribed in the Procedures and Permitting Article of this Development Code with the following modifications:

- (a) All such special use approval applications shall be accompanied by a Development Plan in accordance with the requirements listed in this section. The Development Plan shall provide all information necessary to demonstrate that it achieves the criteria provided in this section and Section 509.08, as applicable.
  - (1) If the special use approval application is approved by the Board of Commissioners, then such zoning approval shall be conditioned to the applicant achieving development in substantial conformity with the Development Plan, including any modifications or conditions approved by the Board of Commissioners pursuant to its deliberations on the application.
  - (2) Development Plan approval shall not constitute entitlement to permits.
  - (3) The Development Plan shall include the following information:
    - a. A location map showing the boundaries of the property and identifying the current zoning of the property, as well as zoning on adjacent properties.
    - b. A plan showing applicable details, to include lots, streets and rights-of-way, setback lines, dwelling sizes, off-street parking, on street parking, street trees, sidewalks, multiuse trails, stormwater management facility areas, floodplain and wetland boundaries, topography and open space.
    - c. Specifications, calculations and applicable percentages for common open space, density calculations, lot sizes, land use, gross and net acreage, dwelling units, and parking.
    - d. Elevations of front, sides and rear of all typical units, including proposed building materials, building heights and any other structures.
  - (4) Each applicant for a senior housing development shall provide evidence of the unified, single ownership of the entire parcel, consistent with the provisions of Section 515.
  - (5) Phasing Plan.
    - a. A phasing plan shall be submitted with the Concept Master Plan, and approved by the Community Development Director, unless the entire development is to be completed at one time.
    - b. Such phasing plan shall describe and illustrate in written and graphic format the incremental implementation of the traditional neighborhood development over a number of years, including the sequence, timing and responsibility for construction of each building, support facilities, infrastructure and utilities.
    - c. Revision of the phasing plan is permitted and must be approved by the Community Development Director prior to each construction phase.
  - (6) Concept Master Plan.
    - a. A Concept Master Plan shall be included in the overall Development Plan and submitted with the special use application process and prior to submittal of an application for a Land Disturbance Permit.

- b. The purpose of the Concept Master Plan review is to ensure the soundness of the proposed development, compatibility with the surrounding area and compliance with applicable zoning conditions.

(7) Building Plans.

Prior to issuance of a building permit for any occupied structure to be located within a senior housing development, the builder shall provide architectural plans and elevations at a scale no smaller than 1/8"=1'-0" that demonstrate compliance with the approved Development Plan and any conditions added thereto by the Board of Commissioners during Special Use permit approval.

(8) Other Requirements.

The applicant shall adhere to all other applicable requirements of this Development Code and other applicable requirements of Harris County. In any case where the standards and requirements of this Section conflict with other provisions of the Harris County Code of Ordinances, the requirements of this section shall govern.

**509.08 Criteria for Special Use Approval.**

The following is a list of criteria that will be used by the county to determine the suitability of a proposed senior housing development in addition to the standards for approval of a special use contained in the Procedures and Permits article of this Development Code:

- (a) Whether the site includes appropriate amenities, such as recreational facilities, game rooms, meeting rooms, lounges and exercise rooms.
- (b) Whether the site has reasonable transportation access to medical services, shopping, religious and cultural activities, recreational facilities, libraries, municipal buildings, and social services patronized by seniors.
- (c) Whether the site is served by public water and public sanitary sewer facilities that are adequate to accommodate the additional demand placed upon them by the proposed development.
- (d) Whether the public roads outside the project site are adequate to bear the additional traffic that will be generated by the senior housing development and meet current engineering standards with respect to roadway width and alignment and have acceptable sight distances at the site entry/exit and at intersections in the vicinity of the site.

**Sec. 510. Community Unit Planned Developments (CUPD)**

**510.01 Purpose and Intent.**

The Community Unit Planned Development seeks to:

- (a) Encourage large, planned mixed use developments, including both residential and commercial components, at locations within the County that can physically and environmentally accommodate development of an urban character and where sufficient transportation infrastructure, utility infrastructure, and governmental services are either planned or readily available to support the development.
- (b) Promote mixed-use developments that encourage the integration of diverse land uses and promote sustainable economic growth and the creation of jobs.

**510.02 General Requirements.**

(a) Allowed Uses.

- (1) Uses of property and buildings in this District are the same as those permitted in A/O, R-1, R-2, R-3, C-1, C-3, C-4, CORD and M-1 Districts.
- (2) Individual buildings within a CUPD may be used for any or a combination of land uses permitted in this District except that M-1 uses shall not be combined with R-1, R-2, R-3 or A/O uses within a single building.
- (3) Notwithstanding anything to the contrary contained herein, when there are multiple, primary uses contained within a building, the following shall apply:
  - a. The setback requirements that normally apply between different uses shall not apply to require any separation of the uses within a building; and
  - b. The parking requirements for the building shall be the total of the individual parking requirements for the different uses contained therein, provided, however, that the parking requirements, if any, for any commonly used areas within the building shall be no greater than the requirement for that use within the building requiring the least amount of parking.

(b) Minimum area.

The minimum area permitted to be zoned for a CUPD is 500 acres.

(c) Green space.

- (1) Each CUPD shall have a minimum of 20% of the gross acres of the CUPD dedicated or set aside as green space.
- (2) For the purposes of these district regulations, the term "green space" shall mean a public or privately-owned area within the property outside of any principal building, parking area or the landscaped grounds of any single-family residence, which is open to the sky and set aside and intended for the outdoor enjoyment of occupant(s) within or visitors to the property, including but not limited to natural areas subject to conservation easements or limited to open space pursuant to recorded covenants, and which may but is not required to include such pedestrian-oriented improvements as landscaping, sidewalks, walkway paths, pergolas, gazebos, bikeways, golf cart paths, exercise or play equipment, swimming pools, cabanas, ball fields, benches and golf courses and 50% of any flood plain or other areas inappropriate for construction.
- (3) Greenspace shall not include any areas included within the right-of-way of any roads, parkways, parking lots, or other paved surfaces. The gross acres set aside as greenspace shall not include or be made up of more than 50% of water bodies, lakes, ponds, streams, or retention ponds. This shall be clearly demonstrated graphically and in a table on the CUPD master plan.

(d) Accessory uses.

A property in the CUPD district may contain any accessory structure or use customarily related to and subordinate to any principal use permitted herein.

(e) Density.

Overall density is permitted to be greater in a CUPD district than in other districts to (a) create an environment less dependent on automobile travel and (b) support infrastructure costs associated with such developments and (c) consolidate development on less land to preserve more green space and open land.

- (f) Requirement for sewer and water.
  - (1) Any lot, other than single-family residential lots, and any single-family residential lot smaller than two acres in size shall be served by either a public or private sanitary sewer system.
  - (2) Single-family residential lots 2 acres or greater in size may be served by septic tanks, but no septic tank may serve more than 1 single-family lot.
  - (3) All structures, whether residential or commercial, shall be served by public water.
- (g) Compliance with special CUPD district regulations.

Uses within a CUPD shall be required to comply with the development regulations for that use contained elsewhere in this ordinance, (including but not limited to minimum lot size, density, minimum lot width, minimum setbacks, maximum coverage by principal buildings, maximum building height, minimum floor area of a dwelling unit, screening and buffers) except to the extent that there are different regulations for that aspect of the development of property within the CUPD set forth elsewhere in the Special CUPD District Regulations in which case the Special CUPD District Regulations shall apply, control over and supersede the development regulations set forth elsewhere in this ordinance.
- (h) Requirements for common ownership.

Property within a CUPD may be owned by multiple property owners and still retain its status as a CUPD provided that there is a property owners association or other organization which is responsible for the control and maintenance of those portions of the property that are available to be used by all owners of property within the CUPD.
- (i) No requirement to abut a public street.

Notwithstanding any provision to the contrary contained herein, no use within a CUPD shall be required to abut or be accessed by a public street provided that said use abuts or is accessed by a private street maintained by a mandatory membership property owners association or other organization that is responsible for the control and maintenance of the private street. With the exception of street width and curb and gutter requirements, all private streets must be built to comply with County standards. Private drives and private alleyways shall not be considered streets.
- (j) Perimeter set-back requirement.
  - (1) Except as provided for below, the building setback line adjacent to the exterior boundary of the CUPD shall be 100 feet.
  - (2) Notwithstanding the above, where the exterior boundary line of the CUPD is adjacent to a state or federal highway, or major transportation corridor, arterial or collector street, the building setback line shall be 50 feet.
- (k) Perimeter buffer.

There shall be a 100-foot natural buffer or planted buffer around the perimeter of the CUPD with the exception that there shall only be a requirement for a 20-foot natural buffer, planted buffer or planted landscape strip around the perimeter of any property zoned CUPD where the property within the CUPD, directly adjacent to said buffer or strip, is designated for non-residential or non-industrial uses and said property fronts on a state or federal highway, major transportation corridor, arterial or collector street. All buffers shall comply with any adjoining zoning uses.

- (l) Interior buffer.
  - (1) Except as may be otherwise provided for herein, there shall be a 25-foot natural or planted buffer or planted landscape strip separating residential uses from industrial or commercial uses within the CUPD.
  - (2) Notwithstanding the above, this requirement for a buffer or landscape strip may be waived by the board of commissioners in situations where residential use(s) abuts commercial use(s) and it is determined the commercial use(s) will serve the residential areas within the CUPD, will be physically configured in a way where they are accessible to pedestrians, will serve as a focal point for community interaction, and will not have an adverse impact on surrounding residential use(s).
- (m) General buffer guidelines.
  - (1) All buffers may be disturbed to accommodate utility installation, grading, the installation and maintenance of a fence, berm, wall or walking trail, and other construction activities provided that it is re-planted upon the completion of the activity which disturbs the buffer.
  - (2) A fence or wall (no thicker in its widest part than 48 inches) shall be permitted to be constructed along the outer exterior boundary of any buffer area. Walking trails are permitted within buffer areas.
  - (3) Dead, diseased and overgrown or overplanted trees, shrubs and other landscaping may be removed from all buffer areas to preserve buffers in a neat, attractive and healthy condition, fit on a long-term basis for its intended purpose as a buffer.

**510.03 Special CUPD District Development Regulations for Uses within a CUPD.**

Table 5-4: CUPD District Development Standards

| Zoning District                                   |                                      | Min. Lot Area                        | Lot Width at Building Line | Minimum Setbacks |  |       | Max. Building Height   | Max. Lot Coverage |
|---|--------------------------------------|--------------------------------------|----------------------------|------------------|--|-------|--|-------------------|
|   |                                      |                                      |                            | Front            | Side                                       | Rear  |  |                   |
| R-1<br>(Low Density Residential)                  |                                      | 30,000 sf                            | 100 ft                     | 25 ft            | Interior Lot: 10 ft<br>Side Street: 25 ft  | 25 ft | Principal Bldg:<br>2.5 stories or 35 ft<br>Accessory Bldg:<br>2 stories or 25 ft | 40%               |
| R-2 <sup>31</sup><br>(Medium Density Residential) |                                      | 15,000 sf                            | 75 ft                      | 25 ft            | Interior Lot: 7.5 ft<br>Side Street: 15 ft | 25 ft | Principal Bldg:<br>2.5 stories or 35 ft<br>Accessory Bldg:<br>2 stories or 25 ft | 50%               |
| R-3<br>(High Density Residential)                 | Detached single-family dwelling unit | 6,500 sf                             | 35 ft                      | 10 ft            | Side Street: 15 ft                         | 15 ft | 3 stories or 50 ft   | 50%               |
|   | Attached single-family structure     | 2 acres; not to exceed 20 units/acre | 22 ft per dwelling         | 0 ft             | 0 ft                                       | 0 ft  |  | 100%              |
|   | Multi-dwelling unit structure        | 2 acres; not to exceed 20 units/acre | 100 ft                     | N/A              | N/A  | N/A   |  | 50%               |

**510.04 Density.**

Since property zoned to a CUPD will likely be developed over a period of years due to the large minimum size requirements for a CUPD, the permitted development densities within a CUPD shall not be reduced and the development standards applicable to the CUPD shall not be made more restrictive from what is in effect for the property at the time it was zoned to a CUPD use.

**510.05 Applications for CUPD Approval.**

<sup>31</sup> Applies to single- and two-family lots

Applications for Community Unit Planned Development shall comply with the applicable requirements set forth in Section 1112 of Article 11 (Procedures and Permits) of this Development Code.

**Sec. 511. Commercial Outdoor Recreation Development (CORD)**

**511.01 Purpose and Intent.**

- (a) The objective of this district is to provide areas for private recreational facilities and activities. This does not include seasonal hunting rights between consenting parties.

**511.02 General Requirements.**

- (a) No CORD district may be created which contains less than 5 acres.
- (b) Minimum standards for development in CORD shall be in accordance with individual uses and zoning district regulations set forth in Article 4, and any additional regulations provided in Article 3 of this development code.
- (c) Associated rezoning procedures and required Concept Master Plan shall be in accordance with the provisions of Article 11 (Procedures and Permits) of this Development Code.
- (d) After a Concept Master Plan and rezoning request has been recommended for approval by the Planning Commission and approved by the Board of Commissioners; or, if the existing zoning is appropriate, preliminary and final plat procedures as provided in this Development Code shall apply.

**Sec. 512. Designated Conservation Areas.**

**512.01 Purpose.**

The purposes of this Section, among others, are as follows:

- (a) To recognize the current development rights of property owners established through zoning;
- (b) To conserve open land, including those areas containing unique and sensitive natural features such as stream buffers and wetlands, by setting them aside from development;
- (c) To reduce erosion and sedimentation by the retention of existing vegetation;
- (d) To enhance water quality of streams and waterways, and to protect valuable groundwater resources; and
- (e) To provide notification to future property owners of natural resources that must be protected on their property.

**512.02 Designation of Conservation Areas.**

Conservation Areas, as defined herein, are required to be protected in a conservation subdivision, a PUD, or any new subdivision. All shall be clearly and specifically located on a master plan, preliminary plat or site development plan, as applicable. These areas are defined as follows:

- (a) Floodways within the 100-year Floodplain.



These areas are designated on maps prepared by the Federal Emergency Management Agency (FEMA), and must be confirmed as to their specific location on a preliminary plat for a subdivision or site development plan for a multi-family or nonresidential project.

(b) Flood Hazard Areas.

All areas within the 100-year floodplain but lying outside any floodway, wetland or other designated primary conservation area fall under this category. The boundaries of the 100-year floodplain are designated as the "flood hazard area" on maps prepared by the Federal Emergency Management Agency (FEMA), and must be confirmed as to their specific location on a preliminary plat for a subdivision or site development plan for a multi-family or nonresidential project.

(c) Required Stream Buffers.

Natural vegetative stream buffers along the banks of all perennial streams and other state waters, as required by the Soil Erosion, Sedimentation and Pollution Control provisions of the Erosion Control and Stormwater Management Article of this Development Code.

(d) Wetlands.

Wetlands are those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

**512.03 Allowed Uses in Conservation Areas.**

The following requirements apply only to land set aside under conservation or natural resource easements in fulfillment of the provisions of this Article.

- (a) Areas identified as conservation areas shall remain in their natural, undisturbed state. Such undisturbed areas include floodways, required stream buffers, and designated wetlands and wetland buffers.
- (b) Flood hazard areas outside of the floodway may be used for natural (unpaved) trails and for agricultural uses such as cultivated farmland and pasture, provided that no fence or structure shall be constructed that would impede the free flow of flood waters.

**512.04 Prohibited Uses in Conservation Areas.**

The following uses are not allowed in conservation areas:

- (a) Roads and non-permeable paved surfaces except necessary road crossings or as approved otherwise by Harris County;
- (b) Above-ground utility rights-of-way except necessary utility crossings or as approved otherwise by Harris County; and
- (c) Other uses inconsistent with the purposes of this Article.

**512.05 Natural Resource or Conservation Easement Required.**

Conservation areas that are required or intended to be protected under the provisions of this Article must be included within an easement, as follows:

All conservation areas in a conservation subdivision, PUD, conventional subdivision, multi-family or nonresidential development that are required to be protected by the provisions of this Article

shall be permanently protected from further subdivision, development and unauthorized use as follows:

- (a) By a permanent natural resource easement in a conventional subdivision, multi-family or nonresidential development; or
- (b) By a permanent conservation easement in an open space subdivision or a planned unit development.

**512.06 Ownership of Land in Conservation and Natural Resource Easements.**

Land within a conservation or natural resource easement may be included within the lots in a subdivision, on land owned by a homeowners' association or other entity that meets the provisions for an Owners' Association as described herein, or may be transferred to a nonprofit conservation organization or land trust organized under Georgia law.

**Sec. 513. Natural Resource Easements.**

**513.01 Natural Resource Easements; Creation.**

- (a) The natural resource easement, when required, shall be shown on the final subdivision plat and recorded with the Clerk of the Superior Court at the same time as the final plat.
- (b) When included within the lots in a subdivision, the natural resource easement shall be granted at no cost to a homeowners' association or other entity that meets the provisions for an Owners' Association as described herein, or to a charitable organization, charitable association or charitable trust that qualifies as a "holder" under the Georgia Unified Conservation Easement Act. Should a homeowner's association or other Owner's Association cease to exist at any point in time, any natural resource easements that were granted to such an organization must be transferred to a charitable corporation, charitable association or charitable trust.
- (c) The natural resource easement shall grant a third-party right of enforcement to the Tax Assessor's Office to enforce, at its discretion, any of the terms of the natural resource easement.

**513.02 Natural Resource Easements; Guidelines.**

The following guidelines must be incorporated into any natural resource easement in a form acceptable to the County Attorney:

- (a) The easement specifically and clearly identifies the boundaries of the property subject to the easement through reference to the easement area shown on the final subdivision plat;
- (b) The easement contains restrictions as to what the owner may do with the property and specifically delineates what may not be done with the property. Limitations shall be consistent with the type of area protected and the applicable requirements of this Article to such areas, and may include but shall not be confined to prohibitions against subdivision, earthmoving, dumping, signs, utility lines, construction, changes to existing structures and uses made of the property;
- (c) The easement provides for the right of the holder of the easement to inspect the property to assure observance of restrictions and also provides for enforcement procedures;
- (d) The easement provides for the maintenance of the open space; and

- (e) The easement contains provisions governing its amendment, including provisions that the easement shall not be altered or terminated except with the express written permission of the County.

**Sec. 514. Conservation Easements.**

**514.01 Conservation Easements; Creation.**

- (a) The conservation easement, when required, shall be created subject to the provisions of O.C.G.A §44-10-1, et seq., which is known as the "Georgia Uniform Conservation Easement Act."
- (b) The conservation easement shall be approved by the Board of Commissioners and shall be granted at no cost to a charitable corporation, charitable association or charitable trust that qualifies as a "holder" under the Georgia Uniform Conservation Easement Act.
- (c) Such "holder" shall be approved by the Board of Commissioners on the basis of their past experience as a "holder" of conservation easements and their lack of an ownership or corporate relationship with the owner or developer of the project.
- (d) The conservation easement shall grant a third-party right of enforcement to the Tax Assessor's Office to enforce, at its discretion, any of the terms of the conservation easement.
- (e) The conservation easement may not be granted to the owner of the property to which the easement will apply, including a homeowners' association holding natural resource conservation areas as common open space in an open space subdivision or planned development.
- (f) An undivided property ownership interest in the common open space shall be granted to each property in an open space subdivision or planned development.

**514.02 Conservation Easements; Guidelines.**

The following guidelines are required to be incorporated into any conservation easement, at a minimum, in a form acceptable to the County Attorney:

- (a) The easement recognizes and describes in a statement of purpose the special qualities of the property subject to the easement. Conditions within the tract subject to the conservation easement may be shown by map and/or photograph;
- (b) The easement clearly identifies the owner of the property subject to the easement, the holder of the easement, and the responsibilities of the property owner and easement holder;
- (c) The easement specifically and clearly identifies the boundaries of the property subject to the easement, either by metes and bounds legal description, survey plat or reference to the easement area shown on the final subdivision plat;
- (d) The easement contains restrictions as to what the owner may do with the property and specifically delineates what may not be done with the property. Limitations shall be consistent with the type of area protected and the applicable requirements of this Article to such areas, and may include but shall not be confined to prohibitions against subdivision, earthmoving, dumping, signs, utility lines, construction, changes to existing structures, and uses made of the property;

- (e) The easement provides for the right of the easement holder to inspect the property to assure observance of restrictions and also provides for enforcement procedures;
- (f) The easement provides for the maintenance of the open space; and
- (g) The easement contains provisions governing its amendment, including provisions that the easement shall not be altered or terminated except with the express written permission of all entities having either a property right or enforcement right in the easement.

**Sec. 515. Owners Association.**

**515.01 Homeowners Association; When Required.**

For any residential development that is subdivided into 4 or more separate parcels, such as a single-family detached subdivision, and that contains common open space, a natural resource easement, a conservation easement or other lands or structures in common ownership, a homeowner's association that provides for building and grounds maintenance and repair, insurance and working capital shall be required.

- (a) When proposed, documentation of a Homeowners Association shall be submitted to the Community Development Department with the preliminary plat, as required in Section 1110.02 of Article 11 (Procedures and Permits) of this Development Code.
- (b) Membership in the homeowners association must be mandatory for each property in the development.
- (c) Such associations must also include homeowners declaration and bylaws, including covenants, conditions and regulations applicable to each property in the development.
- (d) The declaration and bylaws shall be enforced by the Association or by an Association Management Company designated by them, which shall have the power to compel the payment of membership dues and assessments.
- (e) The homeowners association shall be formed under the provisions of the Georgia Property Owners' Association Law (O.C.G.A. § 44-3-220, et seq.), and shall contain adequate provisions to qualify it as a "holder" under the Georgia Uniform Conservation Easement Law (O.C.G.A. § 44-10-1, et seq.) if it is to act as a holder of a conservation easement.
- (f) The documents creating the homeowners association must provide that an adequate reserve fund for the association will exist at the time that control of the association transfers from the developer to the purchasers of homes in the development. The reserve fund must be equal to no less than two month's payment of the normal monthly dues assessment per dwelling unit established by the association, times the number of existing dwelling units.
- (g) The covenants, conditions and regulations shall, at a minimum, regulate and control the following:
  - (1) Equal access and right of use to all shared facilities;
  - (2) Perpetual and continued maintenance of open and shared space, specifically including storm water detention facilities;
  - (3) Tax liability in the case of default;
  - (4) The method of assessment for dues and related costs;

- (5) Where appropriate, party wall maintenance and restoration in the event of damage or destruction;
  - (6) Animals, including household pets;
  - (7) Signs;
  - (8) Exterior items such as fences, lawn ornaments, and landscape areas and buffers;
  - (9) Building improvements;
  - (10) Outside storage;
  - (11) Overnight parking of vehicles;
  - (12) Decorations and holiday lighting; and
  - (13) Trash collection containers.
- (h) For subdivisions, the homeowners association must be formed and incorporated at the same time a final plat for the subdivision or any portion of the subdivision is first recorded. A copy of the proposed homeowner's association documents is to be submitted with an application for final subdivision plat approval.

**515.02 Nonresidential Owners Association.**

For any nonresidential development that is subdivided into 4 or more separate parcels, such as an office park, and that contains common open space, a natural resource easement, a conservation easement or other lands or structures in common ownership, an association of the property owners that is consistent with the pertinent requirements for a homeowners association, above, shall be required.

## Article 6. Parking and Loading Requirements

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## Article 6. Parking and Loading Requirements

Article 6 sets out the requirements and restrictions on the provision of automobile parking spaces for each development to accommodate its residents, employees, customers, and visitors, and for adequate truck parking to serve businesses and industry. The provisions of this Article apply equally to each designated use without regard to the zoning district in which it is located.

### Sec. 601. Off-Street Automobile Parking and Loading and Unloading Spaces Required.

- (a) Parking Required. Off-street automobile parking, loading and unloading spaces shall be provided, as specified in this Article, for uses and structures hereafter established.
- (b) In all zoning districts there shall be provided at the time any permitted use is established, enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the standards set forth herein.
- (c) Applicability.
  - (1) This Article shall apply to any new building constructed; for new uses or conversions of existing, conforming buildings; and for enlargements of existing structures.
  - (2) This Article shall not be construed to require additional parking spaces to be furnished for an existing building which is repaired, altered, maintained, or modernized, where the size of the building is not increased; provided, however that when occupancy of any building is changed to another use, parking shall be provided to meet the requirements of this Article for the new use.

### Sec. 602. Off-Street Parking Design Standards.

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

#### 602.01 Parking Space Requirements.

- (a) Each off-street parking space shall consist of a designated and defined area of at least 10 feet in width and 20 feet in length exclusive of access drives and aisles.
- (b) No off-street parking space shall extend beyond any lot line; and where an off-street parking space abuts a residential lot line, a setback line of 5 feet shall be established.

#### 602.02 Access and Interior Driveways.

- (a) Except for lots devoted to single and 2 dwelling units per structure uses, all areas established for off-street parking shall be designed and be of such size that no vehicle is required to back into a public street to obtain egress.
- (b) All areas devoted to off-street parking shall have clearly defined access drives of ingress and egress not to exceed 25 feet, to include curbs.
- (c) All areas devoted to ingress or egress in a commercial, industrial or multifamily zone shall be denoted by curbing.

#### 602.03 Surfacing, Drainage, and Maintenance.

- (a) All permanent off-street parking areas shall be property drained and surfaced. A proper permanent parking area shall be of a hard surface or finished in such manner that no dust will result from continuous use. Gravel or plant mix is also acceptable.
- (b) Each off-street parking space shall be clearly marked or otherwise defined.

**602.04 Lighting of Parking Areas.**

- (a) Lighting in parking areas shall be provided in accordance with outdoor lighting standards set forth in Article 3 of this Development Code.

**602.05 Shared Parking.**

- (a) Joint off-street parking facilities for 2 or more uses will be established so long as the required number of off-street parking spaces shall not be equal to less than the sum of the requirements for the individual uses computed separately, except as follows:
  - (1) Shared Parking Between Day and Night Users.

One-half of the off-street parking spaces required by a use whose peak attendance will be at night may be shared with a use that will be closed at night or on Sunday.
  - (2) Planned Developments.

Parking spaces may be shared by more than one use if the Community Development Director finds that the total number of spaces will be adequate at the peak hours of the uses they serve.

**602.06 Interparcel Access.**

Interparcel access shall be required as follows:

- (a) Internal Access Easements Required.

For any office or retail sales or services use, the property owner shall grant a "cross" or internal access easement as described in this subsection to each adjoining property that is zoned or used for an office or retail sales or services use. The purpose of the easement is to facilitate movement of customers from business to business without generating additional turning movements on the public street, thus increasing public safety.
- (b) Access Easement Provisions.

The internal access easement shall permit automobile access from the adjoining property to driveways and parking areas intended for employee, customer, or visitor use on each property; but parking spaces may be restricted to use by each owner's employees, customers, and visitors only.

  - (1) Interparcel vehicle access shall be required between contiguous properties only when the parking areas are or will be in reasonable proximity to one another.
  - (2) All internal access easements shall be no less than 28 feet in width and shall be improved to a minimum paved width of 24 feet in order to accommodate two-way vehicular traffic to and from the adjoining properties.
  - (3) The granting of an internal access easement on a property shall be effective only upon the granting of a reciprocal easement by the adjoining property owner.



- (4) Upon the availability of access to driveways and parking areas of the adjoining lot, the pavement or other surfacing of each owner’s driveways and parking areas shall be extended by each owner to the point of access on the property line.

(c) Relief.

Where the proposed land use is such that adverse impact of the required easement on use of the property would outweigh the reduced impact on the public street provided by the reciprocal easements, the Community Development Director may waive the requirement for the access easements, in whole or in part, in accordance with Article 11 (Procedures and Permits) of this Development Code.

**Sec. 603. Number of Off-Street Parking Spaces Required.**

**603.01 Off-Street Parking, General Requirements.**

This section shall establish the minimum number of off-street parking spaces based on use.

- (a) See Table 6-1 for the required minimum number of off-street parking spaces.
- (b) For the purpose of applying the off-street parking requirements set forth in Table 6-1, the following definitions shall apply:
  - (1) "Floor area" is defined as the gross floor area used or intended to be used by the public for the purchase of goods and services and shall include areas occupied by fixtures and equipment for display or sale of merchandise.
  - (2) "Lot area" is defined as the area or portion of a lot actually used for display or sale of goods and services to the public.
- (c) Fractional off-street parking space requirements shall be counted as a whole space if the fraction is greater than one-half.
- (d) For uses not specifically mentioned in Table 6-1, the requirements for off-street parking and loading facilities shall be determined by the Community Development Director.
- (e) See Article 5 of this Development Code for additional off-street parking requirements in the MHU-1, MHU-2, CORD, PUD, and CUPD Districts, if applicable.

Table 6-1: Minimum Required Parking Spaces by Use

| Use                            | Minimum Number of Parking Spaces Required |
|--------------------------------|---|
| <b>RESIDENTIAL</b>             |   |
| Condominiums and Townhouses    | 2 per dwelling unit                       |
| Duplex (2 units per structure) | 2 per dwelling unit                       |
| Garage Apartment               | 2 per dwelling unit                       |
| Group Home                     | 1 per 500 sq. ft. of floor area           |
| Live-Work Unit                 | 1 per 300 sq. ft. of floor area           |
| Manufactured Home Park         | 2 per unit + 1 per 3 units                |
| Manufactured Home              | 2 per unit                                |

| Use  |   | Minimum Number of Parking Spaces Required                |
|--|---|--|
| Nursing Home, Personal Care Home, Assisted Living Facility; Hospice (inpatient facility)   |   | 1 per 3 beds   |
| Single Family Residence  |   | 2 per dwelling unit                                      |
| Triplex or more (3 or more units per structure)  |   | 3 per 2 dwelling units                                   |
| <b>AGRICULTURAL</b>  |   |  |
| Deer and Game Processing<br>(Meat Packing, Butchering and/or Processing)   |   | 1 per 300 sq. ft. of floor area                          |
| Farm Supplies and Feed Processing  |   | 1 per 500 sq. ft. of floor area                          |
| Farmers Market   |   | 1 per 300 sq. ft. of floor area                          |
| Agritourism Uses:<br>Corn Maze<br>Farm Tour, Educational<br>Festival, Agricultural/Educational<br>Farm Dinner                    |   | 2 per acre of lot area                                   |
| <b>COMMERCIAL (SERVICES, RETAIL, &amp; OFFICES)</b>  |   |  |
| Aircraft Sales and Service   |   | 1 per 200 sq. ft. of floor area                          |
| Alcohol Sales<br>(Retail or Wholesale)   | Beer & Wine Sales                               | Package and Carry Out<br>1 per 200 sq. ft. of floor area |
|  |   | Wholesale<br>1 per 300 sq. ft. of floor area             |
|  | Liquor Sales<br>1 per 300 sq. ft. of floor area |  |
| Ambulance Service  |   | 1 per employee   |
| Amusement Parks  |   | 1 per 200 sq. ft. of floor area                          |
| Animal Hospital & Veterinary Clinics   |   | 1 per 400 sq. ft. of floor area                          |
| Apparel Service (Other Than Dry Cleaning, Laundering)  |   | 1 per 300 sq. ft. of floor area                          |
| Appliance Sales and Service<br>(including, but not limited to the following:<br>Air-conditioning; Electrical; Heating; Plumbing) |   | 1 per 400 sq. ft. of floor area                          |
| Art Gallery  |   | 1 per 300 sq. ft. of floor area                          |
| Auditoriums, Exhibit Halls   |   | 1 per 3 seats  |
| Automotive Dealerships, Sales, and Service<br>(new and used car sales, service and parts, etc.)                                  |   | 1 per 300 sq. ft. of floor area                          |
| Automotive Repair and Service Centers: Auto paint and body shops; Tire centers; Automotive garages; and similar uses)            |   | 1 per 300 sq. ft. of floor area                          |
| Automotive Repair and Service: Tire Recapping, Retreading, Rebuilding  |   | 1 per 500 sq. ft. of floor area                          |

| Use   |                                 | Minimum Number of Parking Spaces Required  |
|---|---------------------------------|--|
| Bakery  |                                 | 1 per 300 sq. ft. of floor area  |
| Bank and Financial Institutions                                   |                                 | 1 per 300 sq. ft. of floor area  |
| Barber and Beauty Shops   |                                 | 1 per 200 sq. ft. of floor area  |
| Bed and Breakfast Inns  |                                 | 1 per guest room   |
|   |                                 | 2 per owner's dwelling unit  |
| Bicycle Sales and Service   |                                 | 1 per 300 sq. ft. of floor area  |
| Billiard Hall   |                                 | 1 per 300 sq. ft. of floor area  |
| Blood Banks and Centers   |                                 | 1 per 300 sq. ft. of floor area  |
| Boat and Marine Rental, Sales, Repair and Storage                 |                                 | 1 per 400 sq. ft. of floor area  |
| Bowling Alleys  |                                 | 5 per alley  |
| Building Materials - Retail and Wholesale (Excluding Lumberyards) |                                 | 1 per 400 sq. ft. of floor area  |
| Cabinet Makers, Supplies and Equipment                            |                                 | 1 per 300 sq. ft. of floor area  |
| Campgrounds, Camp Sites, Primitive Camps, Boat Launching Sites    |                                 | 2 per camping site   |
| Car Wash  |                                 | 10 per lane  |
| Carpet Cleaners   |                                 | 1 per 300 sq. ft. of floor area  |
| Child Day Care Services   |                                 | 1 per 1.5 employees + 1 per 1000 sq. ft. of floor area, or as required by State Licensing requirements |
| Contractor or Construction Offices and Shops                      |                                 | 1 per 400 sq. ft. of floor area  |
| Convenience Store   |                                 | 1 per 300 sq. ft. of floor area  |
| Delicatessen  |                                 | 1 per 200 sq. ft. of floor area  |
| Department Store  |                                 | 1 per 300 sq. ft. of floor area  |
| Drive-In Theater  |                                 | See Article 3  |
| Dry Cleaning & Laundering   | Plant                           | 1 per employee   |
|   | Pick-up station or self-service | 1 per 300 sq. ft. of floor area  |
| Drugstore/Pharmacy  |                                 | 1 per 300 sq. ft. of floor area  |
| Employment Service  |                                 | 1 per 500 sq. ft. of floor area  |
| Exterminator - Pest   |                                 | 1 per 500 sq. ft. of floor area  |
| Florist   |                                 | 1 per 300 sq. ft. of floor area  |
| Food Stores (Retail: Supermarkets, groceries)                     |                                 | 1 per 300 sq. ft. of floor area  |
| Funeral Homes and Mortuaries                                      |                                 | 1 per 3 seats in chapel  |
| Furniture & Household Furnishings Retailers                       |                                 | 1 per 400 sq. ft. of floor area  |
| Gasoline Service Station  |                                 | 1 per 300 sq. ft. of floor area  |

| Use  |                            | Minimum Number of Parking Spaces Required        |
|--|----------------------------|--|
| Golf courses   | 9- or 18-hole              | 3 per Hole                                       |
|  | Miniature or driving range | 1 per 500 sq. ft. of floor area                  |
| Gunsmith   |                            | 1 per 300 sq. ft. of floor area                  |
| Health Club  |                            | 1 per 400 sq. ft. of floor area                  |
| Home Occupation (Residential or Rural)   |                            | Dependent upon use                               |
| Hotels and Motels  |                            | 1 per room                                       |
| Kennels, commercial  |                            | 1 per 300 sq. ft. of floor area                  |
| Mini storage (self-service)  |                            | 1 per 10 units + 1 per employee                  |
| Monument Sales   |                            | 1 per 1,000 sq. ft. of floor area                |
| Motion Picture Theater (Excluding Drive-In)  |                            | 1 per 5 seats                                    |
| Motorcycle Sales and Service   |                            | 1 per 300 sq. ft. of floor area                  |
| Newspaper Publishing, Printing and Distribution  |                            | 1 per employee + 1 per 500 sq. ft. of floor area |
| Nurseries - Plants   |                            | 1 per 400 sq. ft. of floor area                  |
| Offices (professional, business services, governmental, general)   |                            | 1 per 300 sq. ft. of floor area                  |
| Offices (medical, including dentist)   |                            | 1 per 300 sq. ft. of floor area + 1 per employee |
| Photography Studios  |                            | 1 per 300 sq. ft. of floor area                  |
| Radio and TV Broadcasting Studios  |                            | 1 per 400 sq. ft. of floor area                  |
| Radio and TV Sales and Service   |                            | 1 per 300 sq. ft. of floor area                  |
| Restaurant/Bar: Inside service & drive-through   |                            | 1 per 200 sq. ft. of floor area                  |
| Restaurant/Bar: Cocktail lounge/restaurant   |                            | 1 per 100 sq. ft. of floor area + 1 per employee |
| Retail Establishments (miscellaneous sales & services)<br>(Including, but not limited to the following:<br>Art supplies; Books; Clothing & accessories; Electronics; Fabrics; Fishing supplies; Gift shops; Hardware; Hobby, toy and game shops, Jewelry; Musical instruments; Office equipment and supplies; Optical goods; Sporting goods; Used merchandise stores (antiques, consignment, etc.) |                            | 1 per 300 sq. ft. of floor area                  |
| Roller Skating Rink  |                            | 1 per 300 sq. ft. of floor area                  |
| Sexually Oriented Establishments   |                            | 1 per 200 sq. ft. of floor area + 1 per employee |
| Shooting Ranges:   | Pistol (Indoor, Outdoor)   | 1 per 500 sq. ft. of floor area                  |
|  | Rifle, shotgun, archery    | 1 per employee + 1 per 1.5 of each part          |
| Shopping Center  |                            | 1 per 300 sq. ft. of floor area                  |
| Special Events Facility  |                            | 1 per 3 seats                                    |
| Taxidermist  |                            | 1 per 300 sq. ft. of floor area                  |
| Truck - Sales and Rental   |                            | 1 per 400 sq. ft. of floor area                  |

| Use   | Minimum Number of Parking Spaces Required          |
|---|--|
| Truck Service   | 1 per 200 sq. ft. of floor area                    |
| Weddings and Receptions, Outdoor  | 1 per 3 seats                                      |
| <b>INDUSTRIAL AND MANUFACTURING</b>   |  |
| Freight Depots - Truck and Rail   | 1 per 1,000 sq. ft. of floor area                  |
| Fuel Storage  | 1 per employee                                     |
|   |  |
| Junkyards (Including Salvage and Scrap Metal)   | 1 per 500 sq. ft. of floor area                    |
| Lumberyards and Millwork  | 1 per employee + 1 per 500 sq. ft. of floor area   |
| Machinery Sales, Service, Repair and Rental (including farm and construction equipment) | 1 per 500 sq. ft. of floor area                    |
| Manufacturing and Industrial Uses (not specifically listed)                             | 1 per 500 sq. ft. of floor area                    |
| Moving Service  | 1 per employee + 1 per 1,000 sq. ft. of floor area |
| Radio and TV Transmitter and Tower  | See Article 3                                      |
| Railroad Freight Station  | 1 per 500 sq. ft. of floor area                    |
| Railroad Passenger Station  | 1 per 400 sq. ft. of floor area                    |
| Truck Terminal  | 1 per 1.5 employees                                |
| Warehousing (not including Mini-Storage)  | 1 per 1,000 sq. ft. of floor area                  |
| Wholesale - With or without storage   | 1 per 400 sq. ft. of floor area + 1 per employee   |
| <b>PUBLIC AND INSTITUTIONAL</b>   |  |
| Churches, Synagogues, Temples and Related Activities                                    | 1 per 4 seats                                      |
| Civic, Social and Fraternal Organizations   | 1 per 200 sq. ft. of floor area                    |
| Colleges and Universities:  |  |
| Auditorium and similar facilities   | 1 per 3 seats                                      |
| Dormitories and similar facilities  | 1 per 3 beds                                       |
| All other facilities  | 1 per 500 sq. ft. of floor area                    |
| Hospitals and Medical Clinics (Excluding Animal)  | 1 per 3 beds + 1 per employee                      |
| Libraries   | 1 per 3 seats                                      |
| Mental Homes, Sanitariums   | 1 per 3 beds                                       |
| Post Office   | 1 per 300 sq. ft. of floor area                    |
| Public Buildings and Government Uses Not Specifically Listed Herein                     | To be determined                                   |
| Schools:  |  |

| Use                     | Minimum Number of Parking Spaces Required             |
|-------------------------|---|
| Commercial or trade     | 1 per 500 sq. ft. of floor area                       |
| Dancing Schools         | 1 per 500 sq. ft. of floor area                       |
| Elementary; Junior high | 1 per 1.5 employees                                   |
| High School             | 1 per 1.5 employees + 1 per 500 sq. ft. of floor area |
| Nursery                 | 1 per 1.5 employees                                   |
| Utility, Private        | 1 per employee  |
| Utility, Public         | 1 per employee  |
| Utility, Wholesale      | 1 per employee  |

**603.02 Handicap Accessible Parking Spaces.**

- (a) Handicap accessible spaces are to be provided as required by the federal Americans with Disabilities Act for all multi-family and nonresidential uses. Handicap accessible spaces shall be provided in each parking lot in relation to the total number of spaces otherwise provided for the use as shown on Table 6-2.
- (b) Handicap accessible parking spaces shall be counted as part of the total number of parking spaces required under this Article.
- (c) Handicap accessible parking spaces shall have an adjacent aisle 5 feet wide, and one in every eight handicapped spaces shall be adjacent to an aisle 8 feet wide and the space shall be adjacent to an aisle 8 feet wide and the space shall be clearly signed "van accessible." Handicapped parking space aisles shall be clearly demarcated by lines painted on or otherwise applied to the parking lot surface.
- (d) Handicap accessible parking spaces shall be located on a surface with a slope not exceeding 1 vertical foot in 50 horizontal feet (1:50).
- (e) Wheelchair ramps shall be provided at locations appropriate to normal travel routes from the parking lot to the principal use.
- (f) In addition to the requirements of this subsection, all handicapped parking shall comply with the requirements of the federal Americans with Disabilities Act and the Georgia Accessibility Code.

Table 6-2: Handicap Accessible Spaces Required.

| Total Spaces Required for Use | Minimum Number of Handicap Spaces |
|-------------------------------|-----------------------------------|
| 1 – 25                        | 1                                 |
| 26 – 50                       | 2                                 |
| 51 – 75                       | 3                                 |
| 76 – 100                      | 4                                 |
| 101 – 150                     | 5                                 |

| Total Spaces Required for Use | Minimum Number of Handicap Spaces  |
|-------------------------------|------------------------------------|
| 151 – 200                     | 6                                  |
| 201 – 300                     | 7                                  |
| 301 – 400                     | 8                                  |
| 401 – 500                     | 9                                  |
| 501 – 1,000                   | 2% of total                        |
| 1,000 and over                | 20, plus 1 for each 100 over 1,000 |

Source: Americans with Disabilities Act Accessibility Guidelines.

**Sec. 604. Prohibited Off-Street Parking.**

- (a) Off-street parking areas shall not be considered as loading or unloading areas.
- (b) No off-street parking facility in existence at the effective date of these regulations shall be reduced to an amount less than required for a similar use.

**Sec. 605. Off-Street Truck Loading and Unloading.**

**605.01 Applicability.**

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

**605.02 Requirements for Off-Street Loading and Unloading Spaces.**

- (a) 1 space shall be required for the first 20,000 square feet of floor area plus 1 additional space for each 20,000 square feet of floor area up to 100,000 square feet and 1 space for each additional 40,000 square feet thereafter.
- (b) The minimum size of an off-street loading and unloading space shall be 10 feet by 50 feet, exclusive of driveway and maneuvering space.
- (c) No street or alley shall be considered as part of the off-street loading or unloading area.
- (d) All areas for loading and unloading shall be so designed and located to permit traffic to exit facing a street or alley.
- (e) Off-street loading and unloading spaces may occupy all or any part of any required yard area.

**Sec. 606. On-Street Parking Standards.**

**606.01 On-Street Parking; When Allowed.**

On-street parking may be used on Harris County maintained public streets if approved as a part of a planned development and shall be limited to local streets internal to townhouse

developments or master planned developments that provide pedestrian walkability within the project.

- (a) On-street parking shall be shown on the development application and the conceptual master plan and is subject to Community Development Director review and prior to submission to the Board of Commissioners.
- (b) On-street parking shall not be permitted for a single building on an individual parcel, but rather shall be permitted to serve multiple buildings or parcels within in a townhouse development or master planned development. In addition, individual businesses shall not designate any one on-street parking space for exclusive use by their patrons.
- (c) On-street parking shall comply with regulations in Article 5 (Subdivisions and Planned Developments) and other applicable regulations in this Development Code.

**606.02 On-street parking space requirements.**

- (a) Each on-street parking space shall be 9 feet wide by 22 feet long as measured from the face of curb.
- (b) On-street parking calculations shall be provided on the development application and conceptual master plan.
- (c) Handicap parking shall comply with the ADA Standards, the Georgia State Law for Accessible Design and the Georgia Accessibility Code for Buildings and Facilities for all multi-family and non-residential uses and the standards in Section 603.02 of this Article.
- (d) The roads shall be accepted by the County in accordance with the requirements and procedures in Section 1118 of Article 11 (Procedures and Permits).
- (e) On-street parking shall be constructed to the street standards as established in this Development Code and maintained in accordance with County Standards and further maintained so as not to create any hazards with traffic flow on the adjacent street.
  - (1) No on-street parking shall be permitted in residential or commercial development areas without adequate parking space provided between curbs (i.e., width of paved surface would increase from 20 feet to 34 feet).
- (f) A mandatory property owners association shall be established for any development that provides on-street parking. The property owners association shall be responsible for the maintenance of any on-street parking in the development. A maintenance responsibility statement for on-street parking shall be placed on the approved plans and the covenants shall include a section that specifically states who is responsible for maintenance and what the maintenance standards are for on-street parking.

**606.03 On-Street Parking Requirements Specific to Master Planned Developments.**

- (a) Up to 100% of the on-street parking spaces available within 700 feet of a use may be counted towards the minimum off-street parking requirements for commercial uses as shown on the development application and conceptual master plan.
- (b) No more than 25% of the number of required off-street parking spaces may be provided by on-street parking.



## Article 7. Sign Regulations

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## Article 7. Sign Regulations

This Article provides for the types of signs that may be placed on a property, and regulates such characteristics as their size, number, placement, and timing (for temporary events).

### Sec. 701. Findings, Purpose and Intent.

#### 701.01 Statement of Legislative Purpose.

- (a) The Board of Commissioners recognizes that signs provide an important medium through which individuals, businesses, and government may convey a variety of messages. However, left unregulated, signs can become a threat to the public health and safety as a traffic hazard, as a detriment to property values, and as an aesthetic nuisance affecting the overall economic growth of Harris County. Numerous professional studies have been prepared that examine and establish the effect of signs on traffic safety, aesthetics and economic prosperity, including the following:
- (1) Klauer, S.G., T.A. Dingus, V.L. Neale, J.D. Sudweeks, D.J. Ramsey. "The Impact of Driver Inattention on Near-Crash/Crash Risk: An Analysis Using the 100-Car Naturalistic Driving Study Data." National Highway Traffic Safety Administration. DOT HS 810 594. April 2006.
  - (2) Snyder, Jonathan, Samuel S. Fels Fund. "Beyond Aesthetics: How Billboards Affect Economic Prosperity." December 2011.
  - (3) Wachtel, J., 2009. "Safety Impacts of the Emerging Digital Display Technologies for Out-door Advertising Signs." Prepared for AASHTO and the Standing Committee on Research of the National Cooperative Highway Research Program (NCHRP), April 2009. The Veridian Group, Inc., Berkeley, California.
  - (4) Weitz, Jerry, Ph.D., AICP. "The Public Purpose of Roswell's Sign Ordinance and the Implications of Doing Without It: A Position Paper." December 7, 1999.
- (b) Based on a review of the cited materials and the studies referenced therein as well as other related studies, the Board of Commissioners find that unregulated signs:
- (1) Can be a safety hazard to drivers and pedestrians;
  - (2) Can be a detriment to the public health;
  - (3) Can hamper economic growth;
  - (4) Can lower property values;
  - (5) Can adversely impact public investments;
  - (6) Can degrade the utility of public safety signs; and
  - (7) Can adversely impact the aesthetic quality of the community and surrounding environment.

#### 701.02 Findings of Fact.

The Board of Commissioners finds that:

- (a) Signs are a proper use of private property, are a means of personal free expression and a necessary component of a commercial environment. As such, signs are entitled to the protection of the law. In the absence of regulation, however, the number of signs tends to proliferate, with property owners desiring an increasing number and size of signs, leading to cluttered and aesthetically blighted thoroughfares. In addition, the competition among competing sign owners for visibility of their signs contributes to safety hazards for both vehicles and pedestrians and undermines the sign owners' original purpose of presenting a clear message of its idea or identification of its premises.
- (b) The regulation of the size, height, number and spacing of signs is necessary to protect the public safety, to assure compatibility of signs with surrounding land uses, to enhance the business and economy of the county, to protect the public investment in the streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing environment, and to provide for the orderly and reasonable display of advertising for the benefit of all the county's citizens.
- (c) There is a substantial difference between signs erected by public authority and signs erected by private citizens or businesses. Signs erected by public authority are virtually all erected for the purpose of maintaining the public safety either through direct control of traffic or through provision of such type signage as street signs which enable the traveling public to know where they are located and to find where they are going. As such, with the exception of signs identifying government buildings, virtually all government signs are erected purely for public safety purposes. Moreover, their use in the public right-of-way is necessary to ensure their visibility to the motoring public. The county commission finds that public utility signs are frequently of the same nature as those signs erected by governmental entities in that they provide necessary information to safeguard the public from downed power lines and from street excavations. Even where signs serve a propriety purpose, such as identifying markings on utility poles, those signs are marked primarily for the purpose of benefitting the public generally through identification of locations where there may be temporary losses of power.
- (d) Some signage has a single targeted function and that identification of such signage by description is impossible without referring to its function. For instance, address numerals are used for the sole purpose of location addresses, which is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. Subdivision signs at the entrances to subdivisions favor a similar purpose in enabling both the traveling public and emergency personnel to quickly locate subdivision entrances for the purpose of either visitation or responding to emergency calls. While such signage is referenced based upon the function it serves within the context of this ordinance, the bulk of the provisions of this Article are unrelated to the content of the speech provided and allow maximum expressive potential to sign owners.

**701.03 Purpose and Intent.**

The purpose and intent of these sign regulations are:

- (a) To provide for the regulation of signs, which are erected on and visible from the road system of Harris County, Georgia;
- (b) To protect the rights of individuals and businesses to convey their messages through signs;

- (c) To encourage the effective use of signs as a means of communication;
- (d) To promote economic development;
- (e) To improve traffic and pedestrian safety as it may be affected by distracting signs;
- (f) To regulate signs by zoning district, size, height, location on a lot, number, methods of construction, maintenance, and illumination;
- (g) To prevent the destruction of the natural beauty and environment of the county and to maintain and enhance the aesthetic environment of the county;
- (h) To protect the public health, safety and general welfare;
- (i) To restrict the continued existence of abandoned or nonconforming signs unless in compliance with the terms of this Section and to eliminate, over time, all nonconforming signs; and
- (j) To ensure the fair and consistent enforcement of sign standards.

**701.04 Intent in Interpretation**

- (a) In interpreting the provisions of this Article, nothing shall be construed as intent to regulate the content of the message displayed on any sign except to address a compelling public safety concern or to comply with state law.
- (b) It is the intent of this Article to regulate only the number, type, size, height, timing, appearance, construction materials, location and portability of signs to accomplish the purposes set forth in 701.03 above, except as otherwise provided herein.

**Sec. 702. Applicability.**

**702.01 Signs that are Regulated.**

The regulations and requirements of this Section apply to all signs that are or are intended to be viewed from a public right-of-way or adjacent property, or that are intended to be viewed from outdoor areas or public property, except as otherwise exempt under this Section.

**702.02 Signs that are Exempt from Permitting Requirements.**

The following are exempt from permitting requirements imposed by this Article, but must meet requirements below and any other applicable regulations of this Article:

- (a) A-frame signs.
  - (1) 1 such sign shall be allowed at each nonresidential space located on the ground floor of a building and which has direct front door access to and from a public sidewalk/access;
  - (2) Such signs shall not exceed 8 square feet if double-faced or 4 square feet in sign area per side;
  - (3) Such signs shall not be illuminated; and
  - (4) Such signs shall be located so as not to obstruct the pedestrian way.
  - (5) See additional requirements in Section 704.07.
- (b) Address numerals.

Address numerals not to exceed 4 inches in height in single family residential districts and 10 inches in all other districts.

(c) Antique or collectible signs.

(d) Flags.

(1) 2 flags are permitted without a permit.

(2) Additional flags beyond the allowance of 2 shall require permitting and shall be considered in the property's overall sign allowance.

(e) Holiday decorations.

Holiday decorations and displays erected on a seasonal basis that are not intended to be permanent in nature and displayed for no longer than 45 days.

(f) Home occupation signs.

(1) Approved home occupation uses shall be allowed one identification sign not to exceed 4 square feet if double-faced in area or no more than 2 square feet per side.

(2) If said sign is a free-standing sign, not attached to the building, such sign shall not exceed 4 feet in height.

(g) Incidental signs as defined in this Article.

(h) Legibility.

Any sign that is not legible from a distance of more than 3 feet beyond the lot line of the lot or parcel on which the sign is located.

(i) Official signs.

Signs placed by or at the direction of a governmental body, governmental agency or public authority, such as, but not limited to, traffic signs, signals, or regulatory devices or warnings; official emblems, public notices, or official instruments; signs providing directions to specific facilities or locations; signs of historical interest; signs designating special events or areas of architectural or historic significance or gateways; or other similar governmental signs or devices. Such signs are authorized within all rights-of-way or other properties controlled by such governmental body, agency, or authority; and at such other locations as a governmental body, governmental agency or public authority may direct.

(j) Residential zones.

Signs on residentially zoned or residentially used property as long as they meet the requirements of this Section.

(k) Temporary pole signs.

(1) In addition to any other permitted sign in this Section, temporary pole signs up to 4 square feet in sign area, with an aggregate sign area not exceeding 10 square feet per lot for all such signs; such signs shall be a maximum height of 4 feet with a minimum setback of 10 feet from all property lines.

(2) All other temporary pole signs must comply with Section 704.06 of this Article.

(l) Window displays.

Window displays of goods available on a site are not considered to be signs and are exempt from these sign regulations.

(m) Window signs.

- (1) No more than 50% or 35 square feet, whichever is less, of the total available glass area shall be used to display permanent and temporary window signs.
- (2) No window signs are allowed above the first floor unless the building is a multi-tenant office or commercial structure wherein tenants have primary direct access from their space to the outside.

**702.03 Prohibited Signs.**

The following types of signs are prohibited:

(a) Abandoned signs.

(b) Animated and flashing signs.

(c) Attached and painted sign.

Signs that are painted on or attached to trees, fence posts, utility poles, or rocks or other natural features.

(d) Audible or smoke emitting signs.

A sign that emits or utilizes in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing, or a sign that emits smoke, vapor or odors..

(e) Beacons.

(f) Billboards.

(g) Dilapidated signs.

Signs that are dilapidated or in such condition as to create a hazard, nuisance or to be unsafe or fail to comply with any provision of the building code of the County.

(h) Festoons.

Unless used as a temporary sign as outlined in Section 704 (Temporary Signs), such are prohibited.

(i) Flashing signs.

Signs containing reflective elements that sparkle in the sunlight or that contain luminous paint that glows in the dark.

(j) Illegal activity. Signs that advertise an activity illegal under county, state or federal law.

(k) Inflatable signs.

(l) Interstate highways.

No sign shall be erected that abuts or is visible from Interstate Highways 85 and 185 right-of-way in the county.

(m) Obscene signs. Signs which depict obscene material as defined by local or state law.

(n) Obstructions.

No sign shall obstruct any fire escape, window, door, or opening usable for fire prevention or suppression, or prevent free passage from one part of a roof to any other part thereof. No sign shall extend above a parapet wall, be affixed to a fire escape, or interfere with any opening required for ventilation.

(o) Portable signs.

A sign designed to be transported or easily relocated and not attached to the ground is not allowed, except as provided for temporary signage under this Article.

(p) Roof signs.

(q) Unlawful/illegal signs.

(r) Signs imitating public warning or traffic devices.

Any sign that displays intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles, and any sign that uses the words "stop", "danger," or other message or content in a manner that might mislead or confuse a driver. No red, green, or yellow illuminated sign shall be permitted within 300 feet of any traffic light.

(s) Signs located within street or highway right-of-way.

No sign, whether temporary or permanent, except signs conforming to the Manual of Uniform Traffic Control Devices, and authorized by such manual, shall be placed in any right-of-way.

(t) Strands of Lights.

Unless used as temporary signage subject to the time restrictions of Section 704.

**Sec. 703. General Requirements Applying to Signs.**

Permanent signs shall conform to the physical standards of this Section.

**703.01 Conformance to Building Codes.**

- (a) All signs shall be designed and constructed in accordance with the applicable provisions of the International Building Code and the National Electrical Code.
- (b) All signs shall be constructed and maintained in conformance with the Harris County Building Code and other applicable county codes and regulations.

**703.02 Conformance to State Law.**

Any billboard located within 660 feet of the nearest edge of the right-of-way of a U.S. or State-numbered highway, or located beyond 660 feet of such highway but visible and intended to be read from such highway, must comply with the following:

- (a) Such sign shall comply with all applicable requirements of the Georgia Outdoor Advertising Act, O.C.G.A. 32-6-70 et seq.
- (b) In the case of a conflict between the Georgia Outdoor Advertising Act and this Article, the billboard must comply with the most restrictive requirements with respect to each and every item of regulation.



- (c) A permit issued by the State of Georgia for the billboard is required as a prerequisite for any approval by the County.

**703.03 Visibility Clearance Area.**

- (a) Vision clearance shall be measured at intersections by a line formed by the connection of two lines measured from the intersection and stretching away from the intersection along the right-of-way for a distance of 20 feet.
- (b) No sign shall be erected within the visibility triangle formed by the end points of such measurements and their connecting line.

**703.04 Illumination.**

- (a) No sign shall be illuminated by lights that flash, move, change in intensity, or turn on intermittently more than once a day, unless it is a permitted electronic changeable copy sign as allowed in.
- (b) To prevent glare visible from a public street or adjoining property, the beam of any light shall be directed so as not to be visible beyond the sign at which it is directed and the light source shall not be visible from any point on an adjacent property of the public right-of-way.
- (c) Signs in residential zoning districts shall not be illuminated.
- (d) Temporary signs shall not be illuminated.

**703.05 Sign Maintenance.**

- (a) The area on private property around the sign on which it is erected shall be properly maintained clear of brush, trees, and other obstacles so as to make signs readily visible;
- (b) All burned-out bulbs or damaged panels shall be replaced;
- (c) All sign copy shall be maintained securely to the face and all missing copy shall be replaced;
- (d) All signs shall be maintained in good structural condition at all times so that the public and traffic safety are not compromised; and
- (e) It shall be the responsibility of the sign owner to maintain and ensure compliance with the provisions of this Article.

**703.06 Language and Legibility.**

- (a) Every principal freestanding sign, or wall or window sign if there is no freestanding sign, shall contain the street number of a size equivalent to the predominant size of the letters and numbers on the sign.
- (b) Nothing in this Section shall prohibit information on the sign from being written in a language other than English, provided that an English translation of the sign is included with the application for a sign permit.

**703.07 Electronic Changeable Copy Signs.**

Electronic changeable copy signs, as defined in this Development Code, regardless of the technology employed, must conform to the following standards:

- (a) All electronic changeable copy signs viewable from a public street or sidewalk shall present only static displays (still pictures and printing). Such signs not viewable from a public street or sidewalk may display movies, animation or video containing motion.
- (b) Each static image shall be maintained for a duration of at least 8 seconds. The change time between each static image shall be perceived as instantaneous within the capability of the technology employed (generally about 1/10th of a second).
- (c) For signs viewable from a public street or sidewalk, no flashing, scrolling, or other variation in the static image that gives an illusion of movement or variation in light intensity during the display of a single image is allowed.
- (d) LED signs.

In addition to all other requirements of this Section 703.07 and this Article, LED signs (as defined in this Development Code) must comply with the following:

- (1) All such signs shall be "tri-color" signs or better, in which each pixel consists of a group of at least one red, green and blue LED or similar light emitting device.
  - (2) Maximum distances between pixels shall be as follows:
    - a. For building signs, no more than 10 mm between pixels, measured center-to-center both horizontally and vertically.
    - b. For freestanding signs (including billboards as defined in this Development Code), no more than 16 mm between pixels, measured center-to-center both horizontally and vertically.
  - (3) All such signs shall be certified by a Nationally Recognized Testing Laboratory (NRTL) recognized by the US Occupational Safety & Health Administration (OSHA) in accordance with 29 C.F.R. 1910.7.
  - (4) Maximum brightness.
    - a. The sign must employ a light sensing device that adjusts the brightness as ambient light conditions change.
    - b. The sign shall not operate at a brightness level of more than 0.30 foot candles above ambient light levels measured at 100 feet from the sign (150 feet for sign faces greater than 100 square feet in area), as certified under paragraph (f) below.
  - (5) A fail-safe device shall be installed that, in the event of a failure of the light sensing device, drops the brightness level to the lowest night-time level allowed, regardless of the time of day.
- (e) Other electronic changeable copy signs.
    - (1) Electronic changeable copy signs utilizing TV-type displays (LCD or Plasma, for instance) must comply with the following in addition to all other applicable requirements of this Section 703.07 and this Article:
      - a. Such signs shall be installed only as building signs.
      - b. Such signs shall have a minimum resolution of 1080p (High Definition) or equivalent.

- c. At any time of the day or night, such signs shall not operate at a brightness level of more than 0.30 foot candles above ambient light levels measured at 100 feet from the sign (150 feet for sign faces greater than 100 square feet in area), as certified under paragraph (f) below.
- (2) Electronic changeable copy signs utilizing incandescent bulbs are not allowed.
- (f) As part of an application for a sign permit, the sign owner must provide the County with a written statement from the installer that the sign will comply with the County's brightness requirements and all other requirements of this Section and shall certify to such compliance within 30 days after installation of the sign.
- (g) Operation of an electronic changeable copy sign in violation of any provision of this Section, including overriding the sign's light-sensing or fail-safe devices, may result in the disconnection of the electrical power supply to the sign at the owner's expense.

**Sec. 704. Temporary Signs.**

**704.01 Temporary Signs; Allowed.**

- (a) Temporary signage for uses other than single family and two-family residential use is limited to temporary pole signs, temporary window signs, banners, feather banners, A-frame signs and portable signs.
- (b) A commercial entity may utilize temporary pole signs, banners and feather banners for premises under that entity's control for 4 periods of 10 days each per year, or alternatively one period of 30 days per year.
- (c) A-frame signs and temporary window signs may be utilized at all times in accordance with these regulations.
- (d) Temporary signs shall require a permit in accordance with Section 708, unless specified otherwise in this Article.

**704.02 Location of Temporary Signs.**

Temporary signs shall meet the following location requirements:

- (a) Shall not be located in the public right-of-way;
- (b) Shall not be placed within or on the railroad right-of-way or private street easement.
- (c) Shall not be affixed to any tree, utility pole, or official traffic sign or structure.
- (d) Shall be erected and maintained only with the permission of the owner of the property upon which the sign is located.

**704.03 Number of Temporary Signs.**

- (a) One permit for a combination of the listed types of temporary signs may be issued if all the temporary signs are for a concurrent time period.
- (b) The permit holder shall be responsible for the prompt and complete removal of such signs upon the expiration of the permit.

**704.04 Duration of Temporary Signs.**

- (a) Each temporary permit will be valid for a period not to exceed 30 consecutive days.

- (b) A 30-day permit shall not be issued within 60 days after the expiration of any other 30-day period.
- (c) Individual businesses, offices or other nonresidential uses within a building or complex housing multiple uses shall coordinate with the owner of the property as to use of the lot's overall allowance as provided in this Section.

**704.05 Construction and Lighting Standards of Temporary Signs.**

- (a) Non-permanent but water-resistant construction materials may be used, such as, but not limited to, poster board, foam core board, or illustration board.
- (b) The words, letters, figures, symbols, logos, fixtures, colors, or other design elements that convey the sign's message shall be permanently applied to the sign's face. Electronic changeable copy signs are prohibited as temporary signs.
- (c) Temporary signs shall not be illuminated.

**704.06 Temporary Pole Signs.**

- (a) Size.

In a nonresidential zoning district temporary pole signs no larger than 6 square feet in sign face area per sign face and 5 feet in height may be permitted as a temporary sign.

The square footage of said pole sign, when combined with other signs on the same lot, shall not exceed the total square footage authorized for signs in the land use category.

- (b) Location.
  - (1) Temporary pole signs shall not be located in the public right-of-way.
  - (2) Temporary pole signs shall be located at least 10 feet from the back of the curb or from the edge of the pavement on streets with no curbing.
- (c) Illumination. A pole sign shall not contain lights or be lit by external means.

**704.07 Temporary Banners, Feather Banners, A-Frame Signs, Portable Signs and Streamers.**

- (a) Banners.

- (1) Location.

Banners are allowed in all zoning districts of the county other than single and two-family residential districts.

- (2) Number.

Every nonresidential entity located in the county shall be permitted to display one banner in accordance with the time limits specified in Section 704.04 provided that no banner shall be displayed at the same time as a feather banner, and the time periods for which banners and feathers are permitted are cumulative.

- (3) Size.

The maximum size of any such banner shall be no more than 50 square feet.

- (4) Materials.

- a. Each banner displayed shall be made from cloth, paper, fabric, vinyl or canvas with a minimum weight of eight ounces.
  - b. Each banner shall have metal grommets placed 15 inches on centers and in the corners for attachment.
  - c. All edges of each banner shall be hemmed and reinforced by adding reinforcing material, such as rope or nylon tape, to the edges.
- (5) Structure.
- a. Each banner shall be mounted on a building or similar solid structure.
  - b. No banner displayed pursuant to this Section shall be mounted on poles, wires or other such devices.
- (6) Permit required.
- a. Each time a banner is displayed pursuant to the provisions of this Section, there shall be charged a permit fee as established from time to time by the county commission.
  - b. Application for permit and payment of the permit fee shall be made to the Community Development Department in the same manner and shall be handled as other sign permits, provided the department may utilize a truncated application form for banner permits that includes only the information necessary to determine eligibility for the permit.
  - c. No banner shall be displayed until the permit has been issued by the county and the permit fee has been paid.
- (7) Within 48 hours after notification of a violation of this Section, prohibited banners shall be removed.
- (b) Feather Banners.
- (1) Location.  
Feather banners are permitted for nonresidential entities.
  - (2) Number.  
One feather banner is permitted for each 40 feet of linear street frontage, not to exceed three such signs for any lot.
  - (3) Size.  
The maximum size of each feather banner shall be no more than 27 square feet.
  - (4) Materials.
    - a. Each feather banner displayed shall be made from cloth or fabric.
    - b. Use of plastic is prohibited.
    - c. All edges of each feather banner shall be hemmed and reinforced.
  - (5) Duration.

Feather banners shall be permitted for the time period provided by Section 704.05; provided no feather banner shall be displayed at the same time as a banner, and the time periods for which feather banners and banners are permitted are cumulative.

- (6) Permit required.
    - a. Each time a feather banner is displayed pursuant to the provisions of this Section, there shall be charged a permit fee as established from time to time by the county commission.
    - b. Application for permit and payment of the permit fee shall be made to the office of the Community Development Department in the same manner and shall be handled as other sign permits, provided the department may utilize a truncated application form for feather banner permits that includes only the information necessary to determine eligibility for the permit.
    - c. No feather banner shall be displayed until the permit has been issued by the county and the permit fee has been paid.
  - (7) Within 48 hours after notification of a violation of this Section, prohibited feather flags shall be removed.
- (c) A-Frame Signs (sidewalk signs).
- (1) Location.
    - a. 1 A-frame sign is permitted per nonresidential entity in all nonresidential districts, provided the entity occupies ground floor space with a direct access to public right-of-way.
    - b. Signs shall be located on or adjacent to sidewalks in such manner that they do not encroach upon required 4-foot accessible pedestrian paths.
    - c. The base of an A-frame sign shall not be located more than 18 inches from the facade of the entity responsible for the sign.
  - (2) Size.
    - a. Maximum height: 42 inches
    - b. Maximum width: 30 inches
    - c. Maximum sign face area : 6 square feet.
  - (3) Materials.
    - a. Signs shall be composed of stained or painted wood with a sign face composed of wood or slate (chalk) board or dry erase board.
    - b. Plastic board or unfinished plywood are prohibited materials for sidewalk signs.
  - (4) Illumination.

Signs shall not be illuminated.
  - (5) Duration.

Signs may only be displayed during business hours and shall be removed when the entity is closed.

(6) Permit not required.

A-frame signs constitute a form of signage that does not require a permit, but which is utilized only during active hours for which the commercial entity is open. Such signs shall be located entirely on private property.

(d) Portable Signs.

(1) One portable sign per developed lot or business is allowed under the following conditions and requirements:

a. Fees.

Prior to the erection or placement of these signs or devices, all required fees and taxes shall be paid by the owner of the sign.

b. Location.

A site or location for the purpose of this Section shall be defined as land under common ownership.

1. No portable sign shall be placed on a lot that is used for residential purposes.

2. The sign must be placed on the site in such a manner as to be at 10 feet from the right-of-way and to not be an obstruction for traffic or visibility.

c. Number.

The maximum number of portable sign permits to be issued to a single location or site at any given time shall be 1 sign, not to exceed the time allowance of Section 704.05.

d. Size.

1. Maximum size (including devices and signs): 32 square feet.

2. The square footage of said portable sign, when combined with other signs on the same lot, shall not exceed the total square footage authorized for signs in the land use category.

e. Construction.

1. The sign must be securely anchored to the site to prevent wind damage to the sign or other property.

2. All electrical connections to the sign must comply with the electrical code as adopted by the county and must be inspected prior to use.

f. Illumination.

Flashing lights on signs are prohibited.

(e) Streamers.

(1) Location.

No part of any streamer shall be located in, on or within 10 feet of a public right-of-way.

(2) Size.

Streamers shall be counted towards the total square foot sign area permitted for the lot on which they are placed, and when added to the area of all other signs on said lot shall not exceed the total sign area permitted for the lot.

**704.08 Temporary Yard Signs.**

- (a) Standard yard signs are permitted on all properties utilized for single family and two-family residential use.
- (b) Standard yard signs are temporary signs designed for short term use and contain no reflective elements, flags or projections, and otherwise meet all standards of this Section.
- (c) All standard yard signs shall be located entirely on private property. Any such sign erected on public right-of-way is subject to immediate removal without prior notice.
- (d) The sign face of a standard yard sign shall not exceed 4½ square feet. The aggregate sign area of all standard yard signs on a lot shall not exceed 16 square feet.
- (e) No standard yard sign shall be illuminated or include changeable copy.
- (f) For single and two-family residential properties, standard yard signs shall stand at a height of not greater than 3 feet and shall be mounted in the yard on a wooden stake or metal frame with a thickness or diameter not greater than 1½ inches.
- (g) Alternatively, not more than 1 standard yard sign on such residential properties may be suspended from a wooden mailbox post where both the supporting structure and the cross are inserted at a 90-degree angle into the supporting structure are composed of wood measuring 4 inches by 4 inches and erected to an overall height not exceeding 5 feet.

**704.09 Temporary Window Signs.**

Temporary Window signs shall meet the following requirements:

- (a) Temporary window signs are permitted for properties with a primary use other than single and two-family residential.
- (b) Temporary window signs shall be no more than 2 square feet in sign area
- (c) Temporary window signs shall be mounted in the window of a nonresidential use, provided no more than 35% of the visibility through the window is obscured by all such signs.
- (d) Alternatively, 1 temporary window sign may be mounted on the wall adjacent to the primary entrance of each business.
- (e) There is no durational limit on such signs.

**Sec. 705. Off-Premise Signs.**

- (a) Off-premises signs are permitted in C-4, M-1 and M-2 zoning districts.
- (b) There shall be a minimum distance of 800 feet between all off-premises signs, whether conforming or non-conforming.

**Sec. 706. Sign Types Permitted in Specific Zoning Districts.**



The following schedules of sign uses indicates signs permitted in each zoning district, including minimum dimensional and lighting standards for each type of sign. All other signs not mentioned are prohibited. Signs listed in Section 702.02 are permitted in all districts, provided they meet applicable standards.

**706.01 Regulation of Freestanding Signs.**

(a) Applicability.

This Section applies to permanent freestanding signs, as defined in this Development Code that are not otherwise exempt from these Sign Regulations.

(b) Minimum Standards.

(1) Location. A freestanding sign shall comply with the following requirements:

- a. Shall not be located in the public right-of-way.
- b. Shall not obscure vision at a street or driveway intersection, or railway crossing.

(2) Setbacks. Except as otherwise specifically provided for, the minimum setback for any freestanding sign shall be as follows:

- a. 10 feet from the front right-of-way lines;
- b. 10 feet from the side and rear lot lines.

(3) Principal freestanding signs shall comply with the minimum standards set forth in Table 7-1 below.

Table 7-1. Principal Freestanding Signs

| USE/<br>ZONING                         | ONE USE ON PROPERTY                |                             |                |                            | MULTIPLE TENANT USES  |                             |                |                      |
|--|------------------------------------|-----------------------------|----------------|----------------------------|-----------------------|-----------------------------|----------------|----------------------|
|  | Maximum Number                     | Maximum Sign Structure Area | Maximum Height | Illumination <sup>32</sup> | Maximum Number        | Maximum Sign Structure Area | Maximum Height | Illumination         |
| <b>A/O Apartment</b>                   | N/A                                | N/A                         | N/A            | N/A                        | N/A                   | N/A                         | N/A            | N/A                  |
| <b>A/O Office</b>                      | 1 per single use                   | 16 SF (Double faced)        | 8'             | None                       | 1 per multiple tenant | 32 SF (Double faced)        | 8'             | None                 |
| <b>A-1</b>                             | 1 per lot                          | 32 SF (Double faced)        | 8'             | External                   | N/A                   | N/A                         | N/A            | N/A                  |
| <b>Public/ Institutional</b>           | 1 per lot                          | 32 SF (Double faced)        | 8'             | External or internal       | 1 per lot             | 64 SF (Double faced)        | 8'             | External or internal |
| <b>RR, R-1, R-2, R-3, MHU-1, MHU-2</b> | 1 per lot                          | 6 SF (Double faced)         | 3'             | None                       | N/A                   | N/A                         | N/A            | N/A                  |
| <b>C-1</b>                             | 1 per lot                          | 25 SF (Double faced)        | 8'             | External                   | N/A                   | N/A                         | N/A            | N/A                  |
| <b>C-3</b>                             | 1 per lot                          | 32 SF (Double faced)        | 8'             | External or internal       | 1 per lot             | 64 SF total                 | 8'             | External or internal |
| <b>C-4</b>                             | 1 per lot                          | 64 SF (Double faced)        | 8'             | External or internal       | 1 per lot             | 100 SF total                | 20'            | External or internal |
| <b>M-1, M-2</b>                        | 1 per lot                          | 64 SF (Double faced)        | 8'             | External or internal       | 1 per lot             | 100 SF total                | 20'            | External or internal |
| <b>CORD</b>                            | 1 per lot                          | 64 SF (Double faced)        | 8'             | External or internal       | 1 per lot             | 100 SF total                | 20'            | External or internal |
| <b>PRD, PCD, PMD, CUPD</b>             | Regulations based on use of parcel |                             |                |                            |                       |                             |                |                      |
| <b>Resort</b>                          | Regulations based on use of parcel |                             |                |                            |                       |                             |                |                      |

**706.02 Regulation of Project Entrance Signs.**

(a) Applicability.

This Section applies to all project entrance signs, as defined in this Development Code, that are located at the designated entrances to a residential subdivision, a multi-family development, a nonresidential subdivision (such as an office park or industrial park), or other property housing multiple buildings and/or uses.

(b) Minimum Standards.

- (1) Project entrance signs are considered freestanding signs and shall comply with the location and setback requirements in [Section 706.01\(b\)](#).

<sup>32</sup> Full cut-off light fixtures with shielding should be used to reduce glare, light pollution and light trespass.

- (2) Project entrance signs shall also comply with the minimum standards set forth in Table 7-2 below.

Table 7-2. Project Entrance Signs

| USE / ZONING                           | Maximum Number Allowed | Maximum Sign Structure Area                    | Maximum Height | Illumination |
|--|------------------------|--|----------------|--------------|
| <b>A/O (Apartment)</b>                 | 2 per single entrance  | 32 SF  | 8'             | External     |
|  | 1 per entrance         | 64 SF (Double faced)                           | 8'             | External     |
| <b>A/O (Office)</b>                    | 2 per single entrance  | 32 SF  | 8'             | External     |
|  | 1 per entrance         | 64 SF (Double faced)                           | 8'             | External     |
| <b>A-1</b>                             | 2 per single entrance  | 32 SF  | 8'             | External     |
|  | 1 per entrance         | 64 SF (Double faced)                           | 8'             | External     |
| <b>Public/Institutional</b>            | 2 per single entrance  | 32 SF  | 8'             | External     |
|  | 1 per entrance         | 64 SF (Double faced)                           | 8'             | External     |
| <b>RR, R-1, R-2, R-3, MHU-1, MHU-2</b> | 2 per single entrance  | 32 SF  | 8'             | External     |
|  | 1 per entrance         | 64 SF (Double faced)                           | 8'             | External     |
| <b>C-1</b>                             | N/A                    | N/A  | N/A            | N/A          |
| <b>C-3</b>                             | 2 per single entrance  | 32 SF<br>(Monument sign only)                  | 8'             | External     |
|  | 1 per entrance         | 64 SF<br>(Monument sign only/<br>Double faced) | 8'             | External     |
| <b>C-4</b>                             | 2 per single entrance  | 32 SF<br>(Monument sign only)                  | 8'             | External     |
|  | 1 per entrance         | 64 SF<br>(Monument sign only/<br>Double faced) | 8'             | External     |
| <b>M-1, M-2</b>                        | 2 per single entrance  | 32 SF<br>(Monument sign only)                  | 8'             | External     |
|  | 1 per entrance         | 64 SF<br>(Monument sign only/<br>Double faced) | 8'             | External     |
| <b>CORD</b>                            | 2 per single entrance  | 32 SF<br>(Monument sign only)                  | 8'             | External     |
|  | 1 per entrance         | 64 SF<br>(Monument sign only/<br>Double faced) | 8'             | External     |
| <b>PRD, PCD, PMD, CUPD</b>             | 2 per single entrance  | 32 SF<br>(Monument sign only)                  | 8'             | External     |
|  | 1 per entrance         | 64 SF<br>(Monument sign only/<br>Double faced) | 8'             | External     |
| <b>Resort</b>                          | 2 per single entrance  | 32 SF<br>(Monument sign only)                  | 8'             | External     |

| USE / ZONING | Maximum Number Allowed | Maximum Sign Structure Area                    | Maximum Height | Illumination |
|--------------|------------------------|--|----------------|--------------|
|              | 1 per entrance         | 64 SF<br>(Monument sign only/<br>Double faced) | 8'             | External     |

**706.03 Regulation of Permitted Building Signs.**

(a) Applicability.

This Section applies to building signs, which include awning/canopy signs, flat roof signs, marquee signs, mansards, parapets, projecting signs, under-canopy signs, wall signs, and window signs, as defined in this Development Code.

(b) Minimum Standards.

(1) Building signs shall comply with the minimum standards set forth in Table 7-3 below.

Table 7-3. Permitted Building Signs

| USE/<br>ZONING                         | Maximum Number | Maximum Sign Structure Area of Wall on which Sign is Placed | Maximum Height | Illumination | Maximum Sign Area Additional Under Canopy Sign | Maximum Sign Structure Area of Signs on Free-Standing Canopy |
|--|----------------|---|----------------|--------------|--|--|
| <b>A/O (Apartment)</b>                 | N/A            | N/A   | N/A            | N/A          | N/A  | N/A  |
| <b>(A/O Office)</b>                    | 1 per tenant   | Up to 25% per tenant for total max of 100 SF                | N/A            | None         | N/A  | N/A  |
| <b>A-1</b>                             | None           | N/A   | N/A            | N/A          | N/A  | N/A  |
| <b>Public/ Institutional</b>           | 1 per tenant   | Up to 25% per tenant for total max of 100 SF                | N/A            | None         | 1 per tenant; up to 4 SF (Double faced)        | 10% of area, max 9 SF  |
| <b>RR, R-1, R-2, R-3, MHU-1, MHU-2</b> | 1              | 2 SF/side or 4 SF dbl faced                                 | N/A            | None         | N/A  | N/A  |
| <b>C-1</b>                             | 1 per facade   | 2 SF per LF   | N/A            | None         | N/A  | N/A  |
| <b>C-3</b>                             | 1 per tenant   | Up to 25% per tenant for total max of 100 SF                | N/A            | None         | 1 per tenant; up to 4 SF (Double faced)        | N/A  |
| <b>C-4</b>                             | 1 per tenant   | Up to 25% per tenant for total max of 100 SF                | N/A            | None         | 1 per tenant up to 4 SF (Double faced)         | 10% of area, max 9 SF  |
| <b>M-1, M-2</b>                        | 1 per tenant   | Up to 25% per tenant for total max of 100 SF                | N/A            | None         | 1 per tenant up to 4 SF (Double faced)         | 10% of area, max 9 SF  |

| USE/<br>ZONING                 | Maximum<br>Number                  | Maximum Sign<br>Structure Area<br>of Wall on<br>which Sign is<br>Placed | Maximum<br>Height | Illumination | Maximum Sign<br>Area Additional<br>Under Canopy<br>Sign | Maximum Sign<br>Structure Area<br>of Signs on<br>Free-Standing<br>Canopy |
|--------------------------------|------------------------------------|---|-------------------|--------------|---|--|
| <b>CORD</b>                    | 1 per<br>tenant                    | Up to 25% per<br>tenant for total<br>max of 100 SF                      | N/A               | None         | 1 per tenant up<br>to 4 SF<br>(Double faced)            | 10% of area,<br>max 9 SF   |
| <b>PRD, PCD,<br/>PMD, CUPD</b> | Regulations based on use of parcel |   |                   |              |   |  |
| <b>Resort</b>                  | Regulations based on use of parcel |   |                   |              |   |  |

**Sec. 707. Non-Conforming Signs.**

The following provisions are intended to restrict the continued existence of abandoned or nonconforming signs unless in compliance with the terms of this Section and to eliminate, over time, all nonconforming signs.

**707.01 Non-Conforming Signs, defined.**

- (a) Signs lawfully erected under prior ordinances which do not conform to provisions of this Section, shall be deemed to be legal nonconforming signs and may remain, except as otherwise specifically qualified in this Section.

**707.02 Maintained.**

- (a) Such signs shall not be enlarged, extended, structurally reconstructed, replaced or altered in any manner; except a sign face may be changed so long as the new sign face does not increase either in height or sign area or utilize a different technology. This provision shall not have the effect of excusing any violation of any other section. Nor shall this provision have the effect of permitting the continued existence of any unsafe sign or any sign that is not in a good state of repair.

**707.03 Repairs and Maintenance.**

- (a) Nothing in this Section shall be deemed to prevent keeping in good repair a nonconforming sign.
- (b) No repairs other than minor maintenance and upkeep of nonconforming signs shall be permitted except to make the sign comply with the requirements of this section.
- (c) A nonconforming sign, which has been declared by the Code Enforcement Officer of Harris County to be unsafe because of its physical condition, shall not be repaired, rebuilt or restored unless such repair or restoration will result in a sign which conforms to all applicable provisions of this Section.
- (d) When a nonconforming sign is destroyed or toppled by an act of God, forces of nature or any other destructive action or occurrence beyond the control of the sign owner, said sign may be replaced to its original nonconforming condition.

**Sec. 708. Sign Permits; Requirements and Procedures.**

**708.01 Permit Required.**

A permit shall be required for the erection, alteration or reconstruction of any sign unless otherwise noted in Section 702.02 and shall be issued by the Community Development Department in accordance with the regulations contained in this Article.

**708.02 Purpose.**

The purpose of this Section is to provide a timely and standardized mechanism for reviewing applications for sign permits to ensure signs within the county comply with the objective standards of this Article, including, but not limited to, the height and size provisions.

**708.03 Authority.**

The Code Enforcement Officer, or other County personnel as designated by the Community Development Director, is authorized to review and approve or disapprove an application for a sign permit pursuant to the procedures of this Section and the standards of this Article.

**708.04 Applicability.**

No sign, except those specified in Section 702.02 of this Article, shall be erected, placed, reconstructed or structurally altered without the sign owner having first obtained a sign permit from the Code Enforcement Officer, pursuant to the procedures in this Section and the standards of this Article.

**708.05 Permitted Signs by Ordinance.**

Pursuant to Section 702.02 of this Article, a general permit has been granted for signs that are identified as exempt from the permitting requirements of this Article, and no application for a sign permit is required, so long as all applicable standards of this Article are met.

**708.06 Procedure.**

The following procedure shall govern the application for, and the issuance of all sign permits under this Article.

**708.07 Initial Submission and Review of Application.**

Application for a sign permit shall be made on the form provided by the Code Enforcement Officer and shall be accompanied by the information and documents listed on the form and the fee as required by the county. An application will only be deemed as completed when all required information and accompanying documents are received.

The following information will be required at a minimum:

- (a) The type and purpose of the sign as defined in this Article.
- (b) The value of the sign.
- (c) A survey to scale showing the street address of the property upon which the subject sign is to be located, the proposed location of subject sign on the property, the distance of the proposed sign from the property's boundaries, and all existing structures or buildings on the property.
- (d) The square foot area per sign face and the aggregate square foot area if there is more than 1 sign face.
- (e) The name(s) and address(es) of the owner(s) of the real property upon which the sign is to be located.

- (f) Written consent of the owner of the property, or his/her agent, granting permission for the placement, maintenance, size and height of the sign to be placed on the property.
- (g) For building signs: a set of building elevations or photographs of the building facade shall be supplied.
- (h) The name, address, telephone number, and business license number of the sign contractor unless the sign is handwritten or hand-painted by a non-professional sign contractor.
- (i) Scaled elevation of the size and height of the proposed sign from ground level and adjacent street level.

**708.08 Action by Code Enforcement Officer.**

- (a) The Code Enforcement Officer has 5 business days to determine whether the application is complete.
- (b) If the application is determined to be incomplete, the applicant will be notified by phone, e-mail, or in writing.
- (c) Within 15 business days after the application is determined complete, the Code Enforcement Officer shall review the application in accordance with this Section and determine whether the application complies with the standards in this Article.

**708.09 Approval.**

- (a) If the Code Enforcement Officer finds that the completed application complies with the standards of this Article, the Code Enforcement Officer shall approve a sign permit.
- (b) Complete sign applications for which no action has been taken after 20 business days of submission shall be deemed approved.

**708.10 Fails to Comply.**

- (a) If the Code Enforcement Officer determines the application fails to comply with the standards of this Article, the applicant shall be provided a written notification with explanation of denial.
- (b) If the applicant resubmits the application within 60 days of the written notification of denial, the resubmitted application does not require payment of an additional fee.

**708.11 Resubmittal.**

A revised application shall be resubmitted to the Code Enforcement Officer and reviewed by the officer within 15 business days after its resubmittal. The Code Enforcement Officer shall approve or disapprove the application, based on the criteria in this Article.

**708.12 Criteria.**

A sign permit shall be approved upon a finding that the proposed signage meets the criteria of this Section.

**708.13 Expiration.**

- (a) A sign permit shall become null and void if the sign for which the permit was issued has not been installed and completed within 6 months after the date of issuance; ,

- (1) One 90-day extension may be granted by the Code Enforcement Officer when an applicant can demonstrate that a commercial entity was engaged to construct the permitted sign, but the fabrication has not yet been completed.
- (b) No refunds will be made for fees paid for permits that expired due to failure to erect a permitted sign.
- (c) If later an individual desires to erect a sign at the same location, a new application and applicable fee must be submitted in accordance with the fee schedule applicable at such time.

**708.14 Amendments.**

A sign permit may be amended, extended, or modified only in accordance with the procedures established for its original approval.

**708.15 Maintenance of Permit.**

The owner or lessee of a lot containing signs requiring a permit under this Article shall maintain a sign permit for such property at all times.

**708.16 Assignment of Sign Permits.**

- (a) A current or valid sign permit shall be freely assigned or transferred to a successor as owner or lessee of the property or holder of a business license for the same premises, subject only to filing such application as the county may require and paying any applicable fees.
- (b) The assignment shall be accomplished by filing and shall not require approval unless changes are made to the height, location or material of the sign. If such changes are proposed, a new sign permit must be received and the procedures for a new sign as outlined in this Section must be adhered to.

**708.17 Appeals.**

The following procedures shall govern the appeal of any decision to deny an application for a sign permit under this Article.

- (a) Any applicant aggrieved or affected by the denial of an application for a sign permit may appeal the determination to the Board of Zoning Adjustments by filing written notice of appeal with the Community Development Director within 10 business days of the decision. The appeal shall be scheduled and heard in conformance with the adopted hearing schedule of the Board of Zoning Adjustments, provided all appeals shall be heard no later than 60 days following filing of the notice of appeal.
- (b) At the hearing, the appellant shall be allowed to present evidence and testimony and may call witnesses on his behalf. The official from whose decision appeal was taken may likewise present evidence and testimony and may call witness on behalf of the decision. Appeal hearings shall be tape recorded; an appellant may provide a certified court reporter to take down the proceedings at the sole expense of the appellant. In considering the appeal, the Board of Zoning Adjustments shall be bound by the standards specified in this Section and shall render its decision no later than 30 days from date of hearing.
- (c) Any party aggrieved or affected by the decision of the Board of Zoning Adjustments may appeal to the appropriate court.

**Sec. 709. Administration, Enforcement and Penalties.**



**709.01 Enforcement Officer.**

The provisions of this Article shall be administered and enforced by the Code Enforcement Officer, or his or her designee, in accordance with the standards below.

**709.02 Notice.**

- (a) The Code Enforcement Officer shall give the permittee not less than 10 nor more than 30 days written notice of violation based on the practical considerations of completing measures to comport with the standards of this Article, to correct deficiencies or to remove a sign which is in violation of this Article.
- (b) The written notice shall recite the language of the violated section of this Article.
- (c) If the permittee refuses to correct the deficiencies or remove the sign, the Code Enforcement Officer will have the sign removed at the expense of the permittee.

**709.03 Penalties.**

If the violation is not eliminated within the required time period, the sign permit shall be revoked, and a citation shall be issued, which shall be returnable and heard in the Magistrate Court of Harris County, and if convicted of violating this Section or any portion thereof shall be guilty of an offense and shall be punished by a fine not to exceed \$500.00 per offense. Each day in which the violation continues to occur shall constitute a separate violation.

**709.04 Public Nuisance.**

Any violation of this Article is hereby declared to be a public nuisance.

**709.05 Appeal.**

Any violator may appeal the determination of the Code Enforcement Officer to the Board of Zoning Adjustments with the procedures outlined in Section 708.17. Any appeal shall act as a supersedes of the county's enforcement of this Article, except to the extent that violation of this Article is deemed to present a safety hazard to the public.

**709.06 Legal Proceedings.**

The Code Enforcement Officer, upon a finding that any provision of this Article is being violated, is authorized to institute legal proceedings to enjoin violations of this Article. The violator shall be liable for court costs and reasonable attorney fees incurred by the county.

## Article 8. Environmental Resources Protection

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## **Article 8. Environmental Resources Protection**

This Article sets out the minimum requirements and standards for the protection of the natural environment within the County, including restrictions on the use of land near certain rivers and streams, within water supply watersheds, within groundwater recharge areas susceptible to pollution, and in wetlands in order to:

1. Protect the drinking water quality of the rivers, streams, reservoirs and aquifers that supply water to the residents of the county and the state;
2. Protect the natural habitat of animal and plant life relative to water resources; and
3. Limit the potentially damaging effects of flooding.

### **DIVISION 1. STREAM BUFFER PROTECTION.**

#### **Sec. 801. Purpose.**

This division is intended to provide regulations to protect stream buffers in the County in a manner consistent with state law.

#### **Sec. 802. Applicability**

Division I of this Article shall apply to all land development activity, including subdividing and platting activities, on property containing a stream protection area as defined in the Glossary of this Development Code. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established under state law and approval or exemption from these requirements do not constitute approval or exemption from buffer requirements established under state law or from other applicable local, state or federal regulations.

Nothing contained in O.C.G.A. § 12-7-1 et seq. shall prevent any local issuing authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in this section.

#### **Sec. 803. Protection Criteria**

- (a) There is established a 25-foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director pursuant to O.C.G.A. § 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or along any ephemeral stream.
- (b) As used in this provision, the term "ephemeral stream" means a stream that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow.
- (c) Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to O.C.G.A. Part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the director as provided in this paragraph. The following requirements shall apply to any such buffer.

**803.02 Buffer Requirements**

- (a) No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed.
- (b) Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed.

**803.03 Exceptions**

The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:

- (a) Stream crossings for water lines; or
- (b) Stream crossings for sewer lines

**DIVISION 2. CHATTAHOOCHEE RIVER CORRIDOR PROTECTION.**

**Sec. 804. Purpose.**

The Chattahoochee River has been designated as a protected river by the Georgia Department of Community Affairs and a Chattahoochee River Corridor Protection Plan has been adopted by the County. The purpose of the Chattahoochee River Corridor Protection District is to establish measures to guide future growth and development in the areas adjacent to the Chattahoochee River.

**Sec. 805. Applicability.**

**805.01 Establishment of Chattahoochee River Corridor Protection Overlay District.**

The district establishes measures to guide future growth and development in areas adjacent to the Chattahoochee River. Because these protective measures allow some latitude with land uses and because the district is not intended to prescribe a specific land use but rather to define a range of acceptable land uses, the district is designated as an overlay district. Within the range of land uses which can be located within the district, there are established in Section 806 protection criteria which apply to development within the district.

**805.02 District Boundaries.**

- (a) The Chattahoochee River Corridor Protection District is hereby designated and shall comprise the land within 100 feet horizontally on both sides of the Chattahoochee River, which has been designated as a protected river by the Georgia Department of Community Affairs.

- (b) The boundary shall be set as places readily identifiable on the Zoning Map of Harris County.

**805.03 Regulation of the underlying zoning district.**

Unless otherwise noted in this article, the regulation of the underlying zoning district as provided in the Harris County Development Code shall be maintained and not affected.

**Sec. 806. Protection Criteria.**

**806.01 General Requirements.**

- (a) All development within the Chattahoochee River Corridor District shall maintain a natural vegetative buffer except as otherwise provided herein.
- (b) The natural vegetative buffer shall be restored as quickly as possible following any land-disturbing activity within the river corridor.
- (c) Except as noted below, all construction within the buffer area is prohibited.

**806.02 Exemptions from Protection Requirements.**

- (a) Single-family dwellings, including the usual appurtenances, may be constructed within the buffer area subject to the following conditions:
  - (1) The dwelling shall be in compliance with all local zoning regulations.
  - (2) The dwelling shall be located on a parcel of land containing at least 2 acres. For the purpose of these standards, the size of the parcel shall not include any area within the protected river (that is, for parcels that include the area between the riverbanks, that portion cannot be counted towards the two-acre minimum size).
  - (3) There shall be only 1 such dwelling on each 2-acre or larger parcel of land.
  - (4) A septic tank or tanks serving such a dwelling may be located within the buffer area. However, the septic tank drainfields shall not be located within the buffer area.
- (b) Construction of road crossings and utility crossings of river corridors are exempt provided that construction of such road and utility crossings shall meet all requirements of the Erosion and Sedimentation Act of 1975 (O.C.G.A. § 12-7-1 et seq.), and of the applicable local ordinances on soil erosion and sedimentation control.
- (c) Land use existing prior to the adoption of this article subject to the following conditions:
  - (1) Industrial and commercial uses of river corridors shall not impair the drinking quality of the river water; and
  - (2) Industrial and commercial activity within the river corridor shall meet all state and federal environmental rules and regulations.
- (d) Mining activities, if permitted by the Georgia Department of Natural Resources pursuant to the Georgia Surface Mining Act of 1968 (O.C.G.A. § 12-4-70 et seq.), as amended.
- (e) Utilities except as discussed above in section 806.02(b), if such utilities cannot feasibly be located outside the buffer area (feasibility shall be decided conservatively by the local government), provided that:
  - (1) The utilities shall be located as far from the riverbank as reasonably possible;

- (2) Installation and maintenance of the utilities shall be such as to protect the integrity of the buffer area as well as is reasonably possible; and
- (3) Utilities shall not impair the drinking quality of the river water.
- (f) Specific forestry and agricultural activities except as discussed in Section 807 below.

**Sec. 807. Allowed Uses.**

The following acceptable uses of river corridors are allowed, provided that such uses do not impair the long-term functions of the protected river or the river corridor.

- (a) Timber production and harvesting, subject to the following conditions:
  - (1) Forestry activity shall be consistent with best management practices established by the Georgia Forestry Commission; and
  - (2) Forestry activity shall not impair the drinking quality of the river water as defined by the Federal Clean Water Act, as amended.
- (b) Wildlife and fisheries management activities consistent with the purposes of O.C.G.A. § 12-2-8.
- (c) Wastewater treatment.
- (d) Recreational usage consistent either with the maintenance of a natural vegetative buffer or with river-dependent recreation. For example, a boat ramp would be consistent with this criterion but a hard-surface tennis court would not. Parking lots are not consistent with this criterion. Paths and walkways within the river corridor are consistent with this criterion.
- (e) Natural water quality treatment or purification.
- (f) Agricultural production and management, subject to the following conditions:
  - (1) Agricultural activity shall be consistent with best management practices established by the Georgia Soil and Water Conservation Commission;
  - (2) Agricultural activity shall not impair the drinking quality of the river water as defined by the Federal Clean Water Act, as amended; and
  - (3) Agricultural activity shall be consistent with all state and federal laws, and all regulations promulgated by the Georgia Department of Agriculture.
- (g) Other uses permitted by the Georgia Department of Natural Resources or under Section 404 of the Clean Water Act.

**Sec. 808. Prohibited Uses.**

Within the Chattahoochee River Corridor Protection District, the following limitations on permissible uses shall apply in addition to the regulations of the underlying zoning district:

- (a) Except as expressly provided for under Section 806.02 of these criteria (dealing with single-family dwellings within the river corridor), septic tanks and septic tank drainfields are prohibited within river corridors.
- (b) Handling areas for the receiving and storage of hazardous waste are prohibited within river corridors.



- (c) Hazardous waste or solid waste landfills are prohibited within river corridors.
- (d) Other uses unapproved by Harris County shall not be acceptable within river corridors.

### **DIVISION 3. WETLANDS PROTECTION.**

#### **Sec. 809. Findings and Purpose.**

##### **809.01 Findings of Fact.**

The wetlands within this county are indispensable and fragile natural resources with significant development constraints due to flooding, erosion, and soils limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife, and vegetation; water quality maintenance and pollution control; flood control; erosion control; natural resource education; scientific study; open space, and recreational opportunities. In addition, the wise management of forested wetlands is essential to the economic well-being of many communities within the state.

##### **809.02 Purpose.**

The purposes of this division are:

- (a) To promote wise use of wetlands and protect wetlands, while taking into account varying ecological, economic development, recreational, and aesthetic values.
- (b) To locate activities which may damage wetlands on upland sites to the greatest degree practicable as determined by a permitting process.
- (c) To protect wetlands from alterations which will significantly affect or reduce their primary functions for water quality, floodplain and erosion control, ground water recharge, aesthetic nature, and wildlife areas.

#### **Sec. 810. Applicability.**

##### **810.01 Establishment of Wetland Protection District.**

- (a) This article shall apply to all lands within wetlands located within the jurisdiction of Harris County.
- (b) Generalized Wetland Map.

The Generalized Wetland Map, and all future revisions, adopted as part of this article, shows the general location of wetlands and should be consulted by persons contemplating activities in or near wetlands before engaging in a regulated activity. The Generalized Wetland Map, together with all explanatory matter thereon and attached thereto, is hereby adopted by reference and declared to be a part of this article. The Generalized Wetland Map shall be on file in the office of the Community Development Department.

##### **810.02 District Boundaries.**

The Generalized Wetland Map is a general reference document and wetland boundaries indicated on the map are approximations. The purpose of the Generalized Wetland Map is to alert developers/landowners if they are within proximity to a wetland, which means that there is a high likelihood of the presence of a jurisdictional wetland and a need for the developer/landowner to seek U.S. Army Corps of Engineers guidance as to whether a Section 404 permit will be required prior to any activity. The Generalized Wetland Identification Map

does not represent the boundaries of jurisdictional wetlands within the jurisdiction of the county and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended. Any local government action under this article does not relieve the landowner from federal or state permitting requirements.

**Sec. 811. Allowed Uses.**

The following uses shall be allowed by right within a wetland to the extent that they are not prohibited by any other ordinance or law and provided they do not require structures, grading, fill, draining, or dredging except as provided herein. Operations conducted during normal silvicultural activities, including minor dredge and fill association with road construction, harvesting, and reforestation practices are excepted from these requirements.

- (a) Conservation or preservation of soil, water, vegetation, fish, and other wildlife, provided they do not affect waters of Georgia or of the United States in such a way that would require an individual 404 permit.
- (b) Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding, and canoeing.
- (c) Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission.
- (d) The cultivation of agricultural crops. Agricultural activities shall be subject to best management practices approved by the Georgia Department of Agriculture.
- (e) The pasturing of livestock.
- (f) Education, scientific research, and nature trails.
- (g) Temporary emergency permit. A temporary emergency permit can be issued by the Community Development Department for the following reasons:
  - (1) Maintenance or repair of lawfully located roads or structures and of facilities used in the service of the public to provide transportation, electric, gas, water, telephone, telegraph, telecommunication or other services, provided that such roads, structures, or facilities are not materially changed or enlarged and written notice prior to the commencement of work has been given to the Harris Community Development Department and provided that the work is conducted using best management practices to ensure that flow and circulation patterns, and chemical and biological characteristics of the wetland, are not impaired and that any adverse effect on the aquatic environment will be minimized;
  - (2) Temporary water-level stabilization measures associated with silvicultural operations, provided that they are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silviculture activities if not corrected.
  - (3) Limited ditching, tilling, dredging, excavating, or filling done solely for the purpose of maintaining or repairing existing drainage systems necessary for the cultivation of agricultural crops, provided that the maintenance or repair activity does not result in the impairment, alteration, or loss of wetlands not previously subject to agricultural and silvicultural use under the terms and provisions of Section 811(d).

- (4) Limited excavating and filling necessary for the repair and maintenance of piers, walkways, nature trails, observation decks, wildlife management shelters, boathouses, or other similar water-related structures, provided that they are built on pilings to allow unobstructed flow of water and preserve the natural contour of the wetland.

**Sec. 812. Permit Requirements, Review and Appeals Procedures.**

Consideration of the effect of wetland protection areas on the issuance of permits, approval of rezoning requests and review of subdivision plans is found under the "Other Permits" Division of Article 11 (Procedures and Permits) of this Development Code. Applicable appeals procedures are found in the "Appeals" Division of Article 11.

**812.01 Enforcement Authority.**

The Department of Community Development is hereby established as the administrator of this article.

**Sec. 813. Monitoring and Enforcement.**

**813.01 Authority.**

The Community Development Department, their agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this article and may take or cause to be made such examinations, surveys, or sampling as deemed necessary.

- (a) The Community Development Department shall have authority to enforce this article; issue permits thereunder; and address violations or threatened violations thereof by issuance of violation notices, administrative orders, and civil and criminal actions. All costs, fees, and expenses in connection with such actions may be recovered as damages against the violator.
- (b) Law enforcement officials or other officials having police powers shall have authority to assist the Department of Community Development in enforcement.
- (c) The Department of Community Development shall have authority to issue cease and desist orders in the event of any violation of this article. Cease and desist orders may be appealed to a court of competent jurisdiction, as identified in section 815.

**Sec. 814. Penalties.**

**814.01 Violation.**

Any person who commits, takes part in, or assists in any violation of any provision of this division or other applicable sections of this Development Code may be fined not more than \$1,000.00 for each offense. Each violation of this act shall be a separate offense, and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense.

**814.02 Building/Structure Previously Constructed.**

When a building or other structure has been constructed in violation of this article, the violator may be required to remove the structure, at the discretion of the Community Development Department.

**814.03 Vegetative Cover.**

When removal of vegetative cover, excavation or fill has taken place in violation of this article, the violator may be required to restore the affected land to its original contours and to restore vegetation, as far as practicable, at the discretion of the Community Development Department.

**814.04 Clean Water Act Violation.**

If the Community Development Department discovers a violation of this article that also constitutes a violation of provisions of the Clean Water Act as amended, the Community Development Department shall take reasonable steps to issue written notification of the violation to the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers and the landowner.

**814.05 Suspension, Revocation.**

The Community Development Department may suspend or revoke a permit if it finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work set forth in the permit. The Community Development Department shall take reasonable steps to cause notice of its denial, issuance, conditional issuance, revocation, or suspension of a permit to be published in the county's legal organ/newspaper having a broad circulation in the area where the wetland is located.

**Sec. 815. Judicial Review.**

Judicial review proceedings including final decisions on appeals to the Board of Commissioners are described in the "Appeals" Division of Article 11 (Procedures and Permits) of this Development Code.

**Sec. 816. Amendments.**

These regulations and the Generalized Wetland Map may from time to time be amended in accordance with procedures and requirements in the general statutes and as new information concerning wetland locations, soils, hydrology, flooding, or botanical species peculiar to wetlands become available.

**Sec. 817. Assessment Relief.**

Assessors and board of assessors shall consider wetland regulations in determining the fair market value of land. Any owner of an undeveloped wetland who has dedicated an easement or entered into a conservation restriction with the government or a nonprofit organization to permanently control some or all regulated activities in the wetland shall have that portion of land assessed consistent with those regulations. Such landowner shall also be exempted from special assessment on the controlled wetland to defray the cost of municipal improvements such as sanitary sewers, storm sewers, and water mains.

**DIVISION 4. WATER SUPPLY WATERSHED PROTECTION.**

**Sec. 818. Regulation.**

All hazardous waste and materials, as defined by the Georgia Department of Natural Resources, pursuant to O.C.G.A. 12-8-60 et seq., located within seven miles of the Chattahoochee River corridor (said corridor extending 100 feet horizontally from the banks of each side of the Chattahoochee River), shall be entirely and completely located on an impermeable surface and

shall have a spill and leak collection system, as prescribed by the Georgia Department of Natural Resources.

**Sec. 819. Penalties.**

**819.01 Violation.**

A person violating this section is guilty of a misdemeanor and, on conviction, shall be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding six months, or both. Each day such violation continues shall constitute a separate offense.

**DIVISION 5. AQUIFER RECHARGE AREA PROTECTION.**

**Sec. 820. Findings and Purpose.**

**820.01 Findings of Fact.**

In order to provide for the health, safety and welfare of the public and a healthy economic climate within the county, and surrounding communities, it is essential that the quality of public drinking water be ensured. For this reason, it is necessary to protect the subsurface water resources that the county and surrounding communities rely on as sources of public water. Groundwater resources are contained within aquifers, which are permeable, rock strata occupying vast regions of the subsurface. These aquifers are replenished by infiltration of stormwater runoff in zones of the surface known as aquifer recharge areas.

**820.02 Purpose.**

Aquifers are susceptible to contamination when unrestricted development occurs within significant aquifer recharge areas. It is, therefore, necessary to manage land use within aquifer recharge zones in order to ensure that pollution threats are minimized. This Division seeks to:

- (a) Protect groundwater by prohibiting land uses that generate dangerous pollutants in recharge areas;
- (b) Protect groundwater by limiting density of development; and
- (c) Protect groundwater by ensuring that the development that occurs within the recharge area shall have no adverse effect on groundwater quality.

**Sec. 821. Applicability.**

**821.01 Establishment of an Aquifer Recharge Area District.**

An aquifer recharge area district is hereby established which shall correspond to all lands within the jurisdiction of Harris County, Georgia, that are mapped as significant recharge areas by the Georgia Department of Natural Resources in Hydrologic Atlas 18, 1989 edition.

**821.02 Determination of pollution susceptibility.**

Each recharge area shall be determined to have a pollution susceptibility of high, medium, or low based on the Georgia Pollution Susceptibility Map.

**Sec. 822. Protection Standards.**

- (a) Liners. For all pollution susceptible areas, new waste disposal facilities must have synthetic liners and leachate collection systems.

- (b) Agricultural impoundments. New agricultural impoundments shall meet the following requirements:
  - (1) For areas of low susceptibility, a U.S. Soil Conservation Service approved liner shall be provided if the site exceeds 50 acre-feet.
- (c) Hazardous waste. No land disposal of hazardous waste shall be permitted within any significant aquifer recharge area.
- (d) Hazardous waste on impermeable surface. For all significant aquifer recharge areas, the handling, storage and disposal of hazardous material shall take place on an impermeable surface having spill and leak protection approved by the Georgia Department of Natural Resources, Environmental Protection Division (EPD).
- (e) Chemical or petroleum storage tanks. For all significant aquifer recharge areas, new aboveground chemical or petroleum storage tanks larger than 650 gallons must have secondary containment for 110 percent of tank volume or 110 percent of the largest tanks in a cluster of tanks.
- (f) Minimum lot sizes and septic systems. New homes served by a septic tank/drain systems shall conform to minimum lot size requirements identified in Tables 8-1, 8-2, and 8-3 below.

Table 8-1. Pollution Susceptibility for New Homes Served by Septic Systems

| Pollution Susceptibility | New Homes Served by Septic Systems               | New Mobile Homes Served by Septic Systems        |
|--------------------------|--|--|
| High                     | 150% of minimum lot sizes specified in Table 8-2 | 150% of minimum lot sizes specified in Table 8-3 |
| Medium                   | 125% of minimum lot sizes specified in Table 8-2 | 150% of minimum lot sizes specified in Table 8-3 |
| Low                      | 110% of minimum lot sizes specified in Table 8-2 | 110% of minimum lot sizes specified in Table 8-3 |

Table 8-2. Single-Family Home Minimum Lot Size Where Served by On-Site Septic Tank Systems

| Slope of Lot (%) | Soil Grouping* |                |                |                |                |
|------------------|----------------|----------------|----------------|----------------|----------------|
|                  | 1              | 2              | 3              | 4              | 5              |
| 0-5              | 30,000 sq. ft. | 39,000 sq. ft. | 48,000 sq. ft. | 51,000 sq. ft. | 60,000 sq. ft. |
| 5-15             | 33,000 sq. ft. | 42,000 sq. ft. | 51,000 sq. ft. | 54,000 sq. ft. | 66,000 sq. ft. |
| 15-25            | 36,000 sq. ft. | 45,000 sq. ft. | 54,000 sq. ft. | 57,000 sq. ft. | N/A            |
| 25-35            | 39,000 sq. ft. | 48,000 sq. ft. | 57,000 sq. ft. | 60,000 sq. ft. | N/A            |

Notes:  
Systems

Source: DHR Manual for On-Site Sewerage Management

\*(See Table 8-4)

Table 8-3. Mobile Home Minimum Lot Size Where Served by On-Site Septic Tank Systems

| Slope of Lot (%) | Soil Grouping* |                |                |                |                |
|------------------|----------------|----------------|----------------|----------------|----------------|
|                  | 1              | 2              | 3              | 4              | 5              |
| 0-5              | 10,000 sq. ft. | 13,000 sq. ft. | 16,000 sq. ft. | 17,000 sq. ft. | 20,000 sq. ft. |
| 5-15             | 11,000 sq. ft. | 14,000 sq. ft. | 17,000 sq. ft. | 18,000 sq. ft. | 22,000 sq. ft. |
| 15-25            | 12,000 sq. ft. | 15,000 sq. ft. | 18,000 sq. ft. | 19,000 sq. ft. | N/A            |
| 25-35            | 13,000 sq. ft. | 16,000 sq. ft. | 19,000 sq. ft. | 20,000 sq. ft. | N/A            |

Notes:  
Management Systems

Source: DHR Manual for On-Site Sewerage

\*(See Table 8-4)

Table 8-4. Soil Groupings for Use with Minimum Lot Size Tables.

| GROUP 1   | GROUP 2   | GROUP 3  | GROUP 4   | GROUP 5   |
|---|---|--|---|---|
| (Well drained to excessively drained soils with percolation rates from <5 to 10 min./in.) | (Well drained to moderately well drained soils with percolation rates from 10 to 30 min./in.) | (Well drained to moderately well drained soils with percolation rates from 30 to 60 min./in. Also includes somewhat poorly drained soils with percolation from 5 to 30 min./in.) | (Well drained to moderately well drained soils with percolation rates from 60 to 90 min./in. Also poorly drained soils with percolation rates from 10 to 15 min./in.) | (Poorly drained soils that have watertables very near the surface with percolation rates from 5 to 10 min./in.) |
| Ailey   | Allen   | Albany   | Chestates   | Alapaha   |
| Americus  | Bodine  | Ardilla  | Colbert   | Pelham  |
| Blaney  | Brevard   | Bartha   | Cowarts   | Plummer   |
| Blanton   | Brookshire  | Braddock   | Cunningham  | Riceboro  |
| Bonitay   | Cahaba  | Bradson  | Cuthbert  |   |
| Bonnoou   | Chandler  | Capchaw  | Davidcon  |   |
| Cainhoy (Galestown, Palm Beach)   | Citico  | Camegie  | Dewey (Muse)  |   |
| Eustis  | DeKalb  | Chipley  | Duplin  |   |

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| GROUP 1                                     | GROUP 2                | GROUP 3                  | GROUP 4     | GROUP 5 |
|---|------------------------|--------------------------|-------------|---------|
| Flomation                                   | Edneyville             | Decatur                  | Dyke        |         |
| Foxworth                                    | Etowah<br>(Nolichucky) | Dillard                  | Engers      |         |
| Fripp                                       | Euharlee               | Dothan                   | Enon        |         |
| Fuquay (Norfolk & Tif-<br>ton thick surface | Eunola                 | Durham                   | Farragut    |         |
| Lakewood<br>shallow)                        | Evard                  | Echaw                    | Georgeville |         |
| Haywood                                     | Faceville              | Fannin                   | Gilead      |         |
| Kershaw                                     | Fullerton              | Greenville<br>(Magnolia) | Hayesville  |         |
| Lakeland<br>(Huckabee)                      | Goldsboro              | Grover                   | Hemdon      |         |
| Louisburg                                   | Haywood                | Holston                  | Hulett      |         |
| Lucy  | Irvington              | Hornsville               | Kolomoke    |         |
| Molena                                      | Izagora                | Kanapana                 | Leon        |         |
| Paola                                       | Jefferson              | Leefield                 | Litz        |         |
| Troup                                       | Johns                  | Leesburg                 | Lynn Haven  |         |
| Valdosta                                    | Kalmia                 | Locust                   | Mascotte    |         |
| Wagram                                      | Linker                 | Lynchburg Ocilla         | Medarin     |         |
| Wicksburg                                   | Lockhart               | Minvale                  | Nankin      |         |
|   | Louisa                 | Mountview                | Rabun       |         |
|   | Lowndes                | Olustee (Ona)            | Sapelo      |         |
|   | Masada                 | Pattsburg                | Sawyer      |         |
|   | Maxton                 | Rigdon                   | St. Johns   |         |
|   | Nella                  | Roms                     | Sequola     |         |
|   | Norfolk                | Seneca                   | Shabuta     |         |
|   | Orangeburg             | Shack (Clarksville)      | Steekee     |         |
|   | Porters                | Shelocta                 | Waynesboro  |         |



| GROUP 1 | GROUP 2          | GROUP 3 | GROUP 4 | GROUP 5 |
|---------|------------------|---------|---------|---------|
|         | Red Bay (Ruston) | Shouns  |         |         |
|         | Sequatchie       | Suffolk |         |         |
|         | Stilson          | Tate    |         |         |
|         | Tifton           | Tatum   |         |         |
|         | Tusquitee        | Tellico |         |         |
|         | Wedowee          | Tidings |         |         |
|         | Wickham          | Varina  |         |         |

**Sec. 823. Permit Requirements, Review and Appeals Procedures.**

Consideration of the effect of aquifer recharge areas on the issuance of permits, approval of rezoning requests and review of subdivision plans is found under the "Other Permits" Division of Article 11 (Procedures and Permits) of this Development Code. Applicable appeals procedures are found in the "Appeals" Division of Article 11.

**Sec. 824. Monitoring and Enforcement.**

No building permit, rezoning request, or subdivision plan may be approved by the Community Development Department or the Planning Commission unless the permit, request or plan is in compliance with the aquifer protection standards listed in Section 822.

**824.01 Authority.**

The Community Development Department, their agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this division and may take or cause to be made such examinations, surveys, or sampling as deemed necessary.

- (a) The Community Development Department is hereby designated as the administrator and enforcement officer for this division.
- (b) The Community Development Department shall have authority to enforce this division; issue permits thereunder; and address violations or threatened violations thereof by issuance of violation notices, administrative orders, and civil and criminal actions. All costs, fees, and expenses in connection with such actions may be recovered as damages against the violator.
- (c) Law enforcement officials or other officials having police powers shall have authority to assist the Community Development Department in enforcement.
- (d) The Community Development Department shall have the authority to issue cease and desist orders in the event of any violation of this division. Cease and desist orders may be appealed to a court of competent jurisdiction as identified in Section 826.

**Sec. 825. Penalties.**

**825.01 Violation.**

Any person who commits, takes part in, or assists in any violation of any provision of this division shall be fined not more than \$500.00 for each offense. Each violation of this act shall be a separate offense, and, in the case of a continuing violation each day's continuance shall be deemed to be a separate and distinct offense.

**825.02 Building/structure previously constructed.**

When a building or other structure has been constructed in violation of this division, the violator may be required to remove the structure at the discretion of the Community Development Department.

**825.03 Vegetative cover.**

When removal of vegetative cover, excavation or fill has taken place in violation of this division, the violator shall be required to restore the affected land to its original contours and to restore vegetation as far as practicable.

**825.04 Suspension, revocation.**

The Community Development Department may suspend or revoke a permit if it finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of work set forth in the permit. The Community Development Department shall take reasonable steps to cause notice of its denial, issuance, conditional issuance, revocation, or suspension of a permit to be published in the county's legal organ/newspaper.

**Sec. 826. Judicial Review.**

Judicial review proceedings including final decisions on appeals to the Board of Commissioners are described in the "Appeals" Division of Article 11 (Procedures and Permits) of this Development Code.

**Sec. 827. Amendments.**

These regulations may, from time to time, be amended in accordance with procedures and requirements in the general statutes and as new information becomes available.

**Sec. 828. Assessment Relief.**

Assessors and boards of assessors shall consider the requirements of these regulations in determining the fair market value of land.

**DIVISION 6. FLOOD DAMAGE PREVENTION.**

**Sec. 829. Findings and Purpose.**

**829.01 Findings of Fact.**

- (a) The flood hazard areas of Harris County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (b) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, floodproofed, or otherwise unprotected from

flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

- (c) Article IX, Section II of the Constitution of the State of Georgia and O.C.G.A. § 36-1-20(a) have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the county does ordain this Code Division and establishes this set of floodplain management and flood hazard reduction policies for the purpose of regulating the use of flood hazard areas. It is determined that the regulation of flood hazard areas and the prevention of flood damage are in the public interest and will minimize threats to public health and safety, as well as to private and public property.

**829.02 Purpose.**

It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (a) Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- (b) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
- (c) Control filling, grading, dredging and other development which may increase flood damage or erosion,
- (d) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; and
- (e) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

**829.03 Objectives.**

- (a) To protect human life and health;
- (b) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (c) To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas,
- (d) To minimize expenditure of public money for costly flood control projects;
- (e) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (f) To minimize prolonged business interruptions, and;
- (g) To ensure that potential homebuyers are notified that property is in a flood area.

**Sec. 830. Applicability.**

This article shall apply to all areas of special flood hazard within the jurisdiction of Harris County, Georgia.

**830.01 Basis for Area of Special Flood Hazard.**

For the purposes of this Code Division, the following are adopted by reference:

- (a) The areas of special flood hazard identified by the Federal Emergency Management Agency in its flood insurance study (FIS), dated July 3, 2012, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this article.
- (b) For those land areas acquired by a municipality through annexation, the current effective FIS dated July 3, 2012, with accompanying maps and other supporting data and any revision thereto, for Harris County are hereby adopted by reference.
- (c) Areas of special flood hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.
- (d) The repository for public inspection of the flood insurance study (FIS), accompanying maps and other supporting data is located in the Harris County Community Development Department.

**Sec. 831. Standards.**

**831.01 General Standards.**

In all areas of special flood hazard the following provisions are required:

- (a) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (b) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
- (c) New construction and substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
- (d) Elevated buildings - All new construction and substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood-resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
  - (1) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
    - a. Provide a minimum of 2 openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding;
    - b. The bottom of all openings shall be no higher than 1 foot above grade; and
    - c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both direction.
  - (2) So as not to violate the "lowest floor" criteria of this article, the unfinished or flood-resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and

- (3) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (e) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (f) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- (g) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (h) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;
- (i) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and
- (j) Any alteration, repair, reconstruction or improvement to a structure, which is not compliant with the provisions of this article, shall be undertaken only if the non- conformity is not furthered, extended or replaced.

**831.02 Specific Standards.**

In all areas of special flood hazard the following provisions are required:

- (a) New construction and/or substantial improvements. Where base flood elevation data are available, new construction and/or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with standards of subsection 831.01(d), "elevated buildings."
  - (1) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated at or above one foot above the base flood elevation.
- (b) Non-residential construction. New construction and/or the substantial improvement of any structure located in A1-30, AE, or AH zones, may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one foot above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in applicable application requirements per Section 834.

- (c) Standards for manufactured homes and recreational vehicles. Where base flood elevation data are available:
- (1) All manufactured homes placed and/or substantially improved on: (1) individual lots or parcels, (2) in new and/or substantially improved manufactured home parks or subdivisions, (3) in expansions to existing manufactured home parks or subdivisions, or (4) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement, elevated no lower than one foot above the base flood elevation.
  - (2) Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:
    1. The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation, or
    2. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.
  - (3) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (Ref. subsection 831.01(f) above)
  - (4) All recreational vehicles placed on sites must either:
    1. Be on the site for fewer than 180 consecutive days.
    2. Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or
    3. The recreational vehicle must meet all the requirements for "new construction", including the anchoring and elevation requirements of subsection 831.02(c)2., above.
- (d) Floodway. Located within areas of special flood hazard established in Section 830.01, are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:
- (1) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.
  - (2) If (1) above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of this article.

**831.03 Building Standards for A-zones.**

Located within the areas of special flood hazard established in section 830.01, where streams exist but no base flood data have been provided (A-zones), or where base flood data have been provided but a floodway has not been delineated, the following provisions apply:

- (a) When base flood elevation data or floodway data have not been provided in accordance with section 830.01, then the building inspection director shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a federal, state, or other source, in order to administer the flood hazard reduction provisions of this division. Only if data are not available from these sources, then the following provisions (subsections (b) and (c) shall apply.
- (b) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or 25 feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in more than a 1 foot increase in flood levels during the occurrence of the base flood discharge.
- (c) In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet above the highest adjacent grade at the building site. (Note: Require the lowest floor to be elevated one foot above the estimated base flood elevation in A-zone areas where a limited detail study has been completed). Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection 831.01(d), "elevated buildings".
  - (1) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated no less than three feet above the highest adjacent grade at the building site.
  - (2) The building inspection director shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

**831.04 Building Standards for AE Zones.**

Located within the areas of special flood hazard established in section 830.01, where streams with base flood elevations are provided but no floodways have been designated (zones AE), the following provisions apply:

- (a) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- (b) New construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with section 831.02.

**831.05 Building Standards for AO Zones.**

Areas of special flood hazard established in section 830.01 may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet above ground, with no clearly defined channel. The following provisions apply:

- (a) All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the flood insurance rate map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection 831.01(d), "elevated buildings". The building inspection director shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.
- (b) New construction or the substantial improvement of a non-residential structure may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to the specified FIRM flood level plus one foot above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the officials set forth above and as required by permit application provisions per Section 834.
- (c) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

**831.06 Standards for Subdivisions.**

- (a) All subdivision and/or development proposals shall be consistent with the need to minimize flood damage;
- (b) All subdivision and/or development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (c) All subdivision and/or development proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- (d) For subdivisions and/or developments greater than 50 lots or 5 acres, whichever is less, base flood elevation data shall be provided for subdivision and all other proposed development, including manufactured home parks and subdivisions. Any changes or revisions to the flood data adopted herein and shown on the FIRM shall be submitted to FEMA for review as a conditional letter of map revision (CLOMR) or conditional letter of map amendment (CLOMA), whichever is applicable. Upon completion of the project, the developer is responsible for submitting the "as-built" data to FEMA in order to obtain the final LOMR.

**831.07 Standards for Critical Facilities.**

- (a) Critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain.



- (b) All ingress and egress from any critical facility must be protected to the 500-year flood elevation.

**Sec. 832. Floodplain Administrator.**

The Community Development Director or designee shall administer and implement the provisions of this article.

**832.01 Duties of the Floodplain Administrator.**

- (a) Review proposed development to assure that the permit requirements of this article have been satisfied.
- (b) Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.
- (c) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- (d) When base flood elevation data or floodway data have not been provided in accordance with Section 834, then the administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other sources in order to administer the provisions of this article.
- (e) Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures in accordance with Construction Stage Submittal Requirements provisions per Section 834.
- (f) Review and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been floodproofed, in accordance with Construction Stage Submittal Requirements provisions per Section 834.
- (g) When floodproofing is utilized for a structure, the administrator shall obtain certification of design criteria from a registered professional engineer or architect in accordance with applicable building standards and application requirements per Section 834.
- (h) Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.
- (i) Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (j) For any altered or relocated watercourse, submit engineering data/analysis within six months to the FEMA to ensure accuracy of community flood maps through the letter of map revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
- (k) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the building inspection director shall make the

necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

- (l) All records pertaining to the provisions of this article shall be maintained in the Community Development Department and shall be open for public inspection.

**Sec. 833. Warning and Disclaimer of Liability.**

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of Harris County or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

**Sec. 834. Permit Requirements, Review and Appeals Procedures.**

Consideration of the effect of floodplains areas on the issuance of permits, approval of rezoning requests and review of subdivision plans is found under the "Other Permits" Division of Article 11 (Procedures and Permits) of this Development Code. Applicable appeals procedures are found in the "Appeals" Division of Article 11.

## Article 9. Project Design and Construction Standards

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## **Article 9. Project Design and Construction Standards**

This Article sets out the minimum requirements and standards for construction of subdivisions and other land development projects, including general principals of design and layout and requirements for such public facilities as streets and utilities.

### **Sec. 901. Standards Incorporated by Reference.**

#### **901.01 Standard Design Specifications.**

Standard design specifications of Harris County, as such are adopted by the Board of Commissioners and as may be amended from time to time, are incorporated into this Development Code as though set forth within the body of this Development Code. In the case of a conflict between the Standard Design Specifications and the text of this Development Code, the text of this Development Code shall control.

#### **901.02 GDOT Standard Specifications.**

Unless otherwise specially set forth in this Development Code or the Standard Design Specifications of Harris County, all of the materials, methods of construction, and workmanship for the work covered in reference to street construction and storm drainage construction shall conform to the latest standard specifications of the Georgia Department of Transportation (GDOT).

#### **901.03 AASHTO Design Standards.**

Design criteria and standards not specifically set forth herein shall conform to the latest edition of the AASHTO Policy on Geometric Design of Highways and Streets.

#### **901.04 Stormwater Management.**

The design, construction, operation and maintenance of the stormwater system, including stormwater detention facilities and all conveyances whether piped or open, shall conform to the provisions of the latest edition of the Georgia Stormwater Management Manual, Volume 2, published August 2001 and as amended, and to the standards of Article 10 of this Development Code.

#### **901.05 Traffic Signs and Street Striping.**

For GDOT highways, the installation of all traffic control signage and street striping shall be governed by the standards of the GDOT and those contained in the Manual on Uniform Traffic Control Devices, latest edition, published by the Federal Highway Administration of the U.S. Department of Transportation. For County roads, Harris County standards may be used for signs. Where no Harris County standards are specified, GDOT standards shall apply.

### **DIVISION I. PROJECT DESIGN STANDARDS.**

#### **Sec. 902. General Standards.**

##### **902.01 Suitability of the Land.**

Land subject to flooding, improper drainage, or erosion or land that is for topographical or other reasons unsuitable for residential use shall not be platted in such a way that locates residential building construction, or any other construction or use, in a manner that will increase danger to

health, safety, or property destruction, unless the hazards can be and are demonstrated to be corrected prior to final plat approval. No land shall be platted for use which would be in conflict with the identifiable floodplains or other provisions of this Development Code.

**902.02 Conformance to the Comprehensive Plan and Other Regulations.**

- (a) Approval of proposed subdivisions and development projects shall be considered in the context of conformity with the Comprehensive Plan, this Development Code, and other development policies in effect at the time of submission for review.
- (b) Where State and/or Federal roads or rights-of-way controlled by State and Federal agencies are affected, the review and approval of the GDOT may be required by Harris County.

**902.03 Preparation of Plans and Documents.**

- (a) All designs of streets/roads, drains, ditches, slopes and structures shall be prepared by an engineer licensed by the State of Georgia and shall be approved by the Public Works Director before installation is begun.
- (b) All compaction tests shall be accomplished by an engineer licensed by the State of Georgia and certified results shall be furnished to the Public Works Director.

**Sec. 903. Zoning and Other Regulations.**

**903.01 Zoning Requirements.**

- (a) Whenever there is a discrepancy between minimum standards or dimensions required herein and those contained in Article 4 of this Development Code, building codes, or other official regulations, the most restrictive shall apply.
- (b) In those instances where the required right-of-way width or roadway improvements have been established as a condition of zoning approval, the requirements of the zoning condition shall control whether more or less restrictive than the requirements of this Article.
- (c) Building setback lines shall at least conform to the minimum yard requirements of Article 4. Building setback lines along all public streets shall be no less than as required in Article 4 for the applicable zoning district.

**903.02 Required Public Improvements.**

- (a) Every developer of lands within the jurisdiction of this Article shall provide the public improvements as per the requirements of this Article, and as shall be appropriate to serve the project, in accordance with this Article and other pertinent codes, ordinances, and regulations of Harris County.
- (b) Said improvements and associated land shall be provided at no cost to Harris County, and shall be dedicated or otherwise transferred, as required, to the public in perpetuity and without covenant or reservation, except as otherwise provided herein.

**903.03 Large Scale Developments.**

The requirements of these regulations may be modified in the case of a large-scale community or planned unit development, such as a housing development or shopping center which is not subdivided into customary lots.

**903.04 Survey Monuments.**

- (a) All corners shall be marked with an iron rebar or pin, at least ½ inch in diameter and 18 inches long and driven into the ground so as to extend no less than one inch above the finished grade.
- (b) On subdivisions containing floodplains, flood elevation references shall be set in accordance with the requirements of the "Flood Damage Prevention" Division of Article 8 (Environmental Protection) of this Development Code.

**903.05 Standard Drawings and Specifications.**

- (a) The Community Development Department shall maintain on file, for consultation and distribution, a set of Standard Drawings and Specifications illustrating details of construction and design of streets, storm water drainage facilities, site improvements and other elements related to the development of land in accordance with these Regulations and under the jurisdiction of the Department.
- (b) The Standard Drawings and Specifications shall illustrate minimum acceptable standards for land development activities authorized under this Development Code but shall not supersede more restrictive prudent design requirements or good engineering practice as applied to specific situations on a case-by-case basis.
- (c) The Standard Drawings and Specifications shall be treated as though a part of this Development Code for application to the minimum standards for design and construction of improvements required herein and subject to modification and appeal provisions of this Development Code.

**Sec. 904. Naming and Numbering of Buildings and Streets.**

**904.01 Name of Subdivision or Development Project.**

- (a) The name of the subdivision or development must have the approval of the Planning Commission or its agent.
- (b) The name shall not duplicate nor closely approximate the name of an existing subdivision in Harris County.

**904.02 Street Names.**

- (a) Street names shall require the approval of the Planning Commission or its agent.
- (b) Names of new streets shall not duplicate nor closely approximate those of existing streets within Harris County.

**904.03 Street Addresses.**

- (a) All developments, commercial or residential, must be assigned a street address by the Community Development Department after the issuing of a building permit. This gives confirmation that the lot is buildable.
- (b) When a building or structure is erected on any land covered by this Development Code, the street address assigned shall conform to the existing house numbering system adopted by the Board of Commissioners, and as most recently amended.
- (c) Minimum Requirements:

In the interest of public safety for fire protection, a public or private drive/street must meet all minimum requirements of Harris County public safety officials.



**904.04 Street Address Identifier in Residential Subdivisions.**

Where cluster mailboxes are required in residential subdivisions by the US Postal Service, a property owner shall provide one or more of the following to identify the house number in a visible location:

- (a) Attach numbering to the structure. Numbers shall be at least 3 inches in height or of adequate size to be visible from the street, as determined by the Community Development Director.
- (b) Paint numbering on curb. If curbing exists, the house number may be painted on the curb.
- (c) Provide identifier post along front property line, near right-of-way. Numbering shall consist of reflective lettering; 3 inches in height, on 3-inch by 3-inch posts, or as approved by the Community Development Director.
- (d) The street address identifier shall be installed prior to obtaining the Certificate of Occupancy.

**Sec. 905. General Layout Requirements**

**905.01 Conformance to Local Plans.**

- (a) The arrangement, character, extent, width, grade, and location of all streets shall conform at a minimum to the Comprehensive Plan and this Article.
- (b) When features of other plans adopted by the Planning Commission or Board of Commissioners (such as schools or other public building sites, parks, or other land for public uses) are located in whole or in part in a land subdivision, such features shall be either dedicated or reserved by the subdivider for acquisition within a reasonable time by the appropriate public agency.

**905.02 Blocks.**

Block lengths and widths shall be as follows:

- (a) Blocks shall be not greater than 1,800 feet nor less than 400 feet in length, except in unusual circumstances.
- (b) Blocks shall be wide enough to provide 2 tiers of lots of minimum depth except where abutting upon major streets, limited-access highways, or railroads or where other situations make this requirement impracticable.

**905.03 Lots.**

- (a) Lot Size.
  - (1) The size of lots shall conform to the minimum area, width, frontage and other requirements of Article 4 of this Development Code, and the minimum setback or building lines shall conform to the minimum requirements of this Development Code.
  - (2) Residential lots shall meet the area requirements necessary for adequate wastewater treatment and water availability and for compliance with this Development Code.
- (b) Lot Lines.

All lot lines shall be perpendicular or radial to street lines, unless not practical because of natural features, as set forth in Article 4 of this Development Code.

**905.04 Local Streets and Minor Collectors.**

- (a) Local streets shall be so laid out that their use by through-traffic will be discouraged.
- (b) Minor collectors shall be provided to channel through-traffic movements within a development, where appropriate to the design and where a major thoroughfare is not proposed by the Comprehensive Plan.
- (c) Minor collectors also may be provided as central routes within large residential subdivisions, where appropriate to the design, based on project traffic demands exceeding 2000 trips per day (ADT).

**905.05 Corner Visibility.**

- (a) Lines of sight shall be provided along street roadways, at street intersections and at driveway intersections in accordance with AASHTO Design Standards, latest edition.
- (b) The sight line shall be clear along its entire minimum length and unimpaired by intervening changes in street grade, horizontal alignment or obstructions. Examples of obstructions are vegetation, ground cover, signs, and existing topography.
- (c) Visibility triangle.
  - (1) On a corner lot in any zoning district, except the C-I Central Commercial District, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of 2½ and 10 feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 50 feet from the point of the intersection.
  - (2) In the C-1 Central Commercial District, and in all circumstances, sight distance at street intersections shall not be less than that required by the geometric design standards of the Georgia DOT.

**905.06 Cul-de-sacs.**

- (a) Maximum Length.

Cul-de-sacs or dead-end streets shall not be greater in length than 2,000 feet.
- (b) Turnaround radius.
  - (1) A cul-de-sac shall be provided at the closed end of a dead-end street with a turnaround having a property line radius of at least 65 feet with an outside pavement radius of at least 45 feet.
- (c) Temporary turnarounds shall be provided for dead-end streets which are scheduled to be extended at a later date; however, only that portion of the street to be required as right-of-way when the street is continued shall be dedicated and made a public street.

**905.07 Alleys.**

- (a) Alleys may be required at the rear of all lots used for multifamily, commercial, or industrial developments.
- (b) Alleys in residential subdivisions shall not be permitted, unless one of the following criteria is applicable:

- (1) The proposed development containing alleys is in the R-2 or R-3 zoning district; or
- (2) The subdivider provides evidence satisfactory to the Planning Commission of the need for alleys; or
- (3) The alley is approved in association with a planned unit development.

**905.08 Masonry Mailboxes and Headwalls.**

- (a) No headwalls or masonry mailboxes shall be erected within the right-of-way. New mailboxes shall be compliant with applicable regulations for Placement of Mailboxes, etc. in Right-of-Way in Chapter 4 of the Code of Ordinances.

**905.09 Speed Tables.**

- (a) Speed tables may be proposed by the applicant or required as a condition of approval by the Planning Commission or Board of Commissioners upon review and consideration of an application where new roads are proposed.
- (b) When included on new streets to be dedicated to Harris County, speed tables shall be constructed in accordance with the following standards.
  - (1) Speed tables shall be no less than 3 and no greater than 4 inches in height.
  - (2) Speed table ramp slopes shall not exceed 1:10 or be less steep than 1:25.
  - (3) Speed tables shall have total horizontal length of 22 feet and shall consist of a 10-foot flat top and two 6-foot ramps on either side; design shall maintain positive stormwater drainage paths for roads with and without curb and gutter.
  - (4) Speed tables should be located 200 to 500 feet apart to keep vehicle operating speed between 25 and 30 mph.
  - (5) If used in a series, the first speed table should be installed 200 feet or less from a street corner, or stop controlled intersection, to discourage vehicles from approaching the first speed table at a high speed.
  - (6) Vertical speed control elements should be located where there is sufficient visibility and available lighting.
  - (7) Speed tables shall not be installed on hills with a grade greater than 8% or in road curves with sight distance issues, on primary emergency vehicle routes, on primary routes to industrial sites with heavy truck traffic, or on roads more than 50 feet wide.

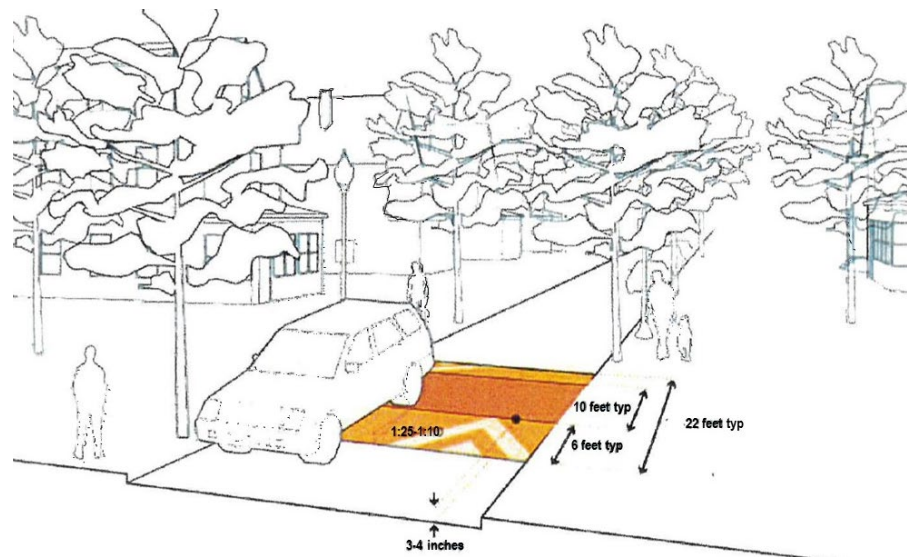


Figure 9-1. Speed Table Dimensions.

**905.10 Reserve Strips.**

Reserve strips which control access to streets, alleys, and public lands shall not be permitted unless their control is given to the County under ownership, dedication, or easement conditions approved by the County Attorney. No development shall be designed so as to deny access to abutting properties.

**905.11 Streets Across Dams.**

- (a) No portion of a road proposed for dedication to Harris County shall be designed or accepted which utilizes a roadway over a dam as any portion of said public road right-of-way.
- (b) Minimum Requirements.
  - (1) Proposed roadways over a dam shall be constructed to county right-of-way standards but shall remain privately owned and maintained.
  - (2) All provisions of Article 10, Division 3 of this Development Code shall apply.
- (c) Ownership and maintenance of private bridges and roadways over dams.
  - (1) Form of ownership.

Any private bridge or roadway over a private dam utilized by more than one individual shall be owned and maintained through a single legal entity such as a tenancy in common or a non-profit association of homeowners (homeowners' association) organized pursuant to a declaration of restrictions or protective covenants for a subdivision.
  - (2) Documentation of ownership.

This documentation and disclosure shall be recorded in the property deed and a copy of this documentation shall be provided at time of Final Plat approval.

**Sec. 906. Access Requirements.**

**906.01 Access Requirements for Major and Minor Subdivisions.**

- (a) All property subdivided after the effective date of this Development Code, whether a major or minor subdivision as defined in this Article, shall front on a public road or street, unless specified otherwise herein.
- (b) No property which fronts on a private easement road shall hereafter be subdivided or approved for subdivision and development, unless specified otherwise herein.
- (c) It is the intent, that after the effective date hereof no new private easement roads shall be created and no property will be subdivided to exist on private easement roads.
- (d) Exceptions.
  - (1) Property may be subdivided, either major or minor, which does not front on a public road in Harris County if the property meets one of the following requirements:
    - a. Is in conformance with the provisions in Section 501.03 (Dividing Property Among Immediate Family and Heirs).
    - b. Is used solely for a communications tower or approved public utilities.
    - c. Is 50 acres or greater in lot size, located in an A-1 district, and has access to a public road with minimum 60-foot width. A maximum of 2 lots, each sized 50 acres or greater, may share a single 60-foot wide or greater access from public road if a permanent easement is established to assure the right of access for the parcel that does not include the public road access and frontage.
    - d. Is accessible only from an existing public road or private permanent/legal easement in an adjoining county.
    - e. Is contiguous with an adjoining county line and public road frontage is in the adjoining county.
  - (2) Such property shall not be further subdivided at any time unless the property fronts on a public road as required this section.

**906.02 Required Ingress/Egress for Subdivisions.**

- (a) Subdivisions containing 50 or more lots shall require more than one means of access from a public street. An exception may be provided by the Planning Commission when determined that a second entrance for regular traffic use is not feasible; in such cases, emergency secondary access shall be provided.
- (b) Streets converging upon any one point which would tend to promote congestion are prohibited.

**906.03 Access to adjacent properties.**

- (a) Proposed streets shall be extended by dedication to the boundary of adjacent property where the subdivision is platted with only 1 access to a public street or where the adjacent property has no access to a public street.
- (b) Such extension may be required in other instances where, in the opinion of the Planning Commission, it is desirable to provide street access.

**906.04 Access to Streets.**

The following regulations shall govern ingress and egress to all lots in all zoning districts:

- (a) A point of access (i.e., driveway, curb cut, entrance or exit point) shall not exceed 25 feet in width on lots for residential uses and 35 feet in width on lots for uses other than residential provided the point of access does not exceed 50% of the frontage on the street.
- (b) Unless noted otherwise, the allowable number of access points for each lot shall be governed by the width of lot frontage as follows:

|                    |   |
|--------------------|---|
| Less than 75 feet  | 1 access point*   |
| 75 – 200 feet      | 2 access points*  |
| More than 200 feet | 2 access points; plus<br>1 additional access point each additional 100 feet frontage in excess of 200 |

\* Exception: A single residential parcel is only required to have 1 access point.

- (c) No 2 access points on the same lot frontage shall be closer than 25 feet from their nearest edges.
- (d) No access point shall be located closer to any street intersection than 20 feet measured from its nearest edge to the curb radius tangent point or property line radius point
- (e) On lots other than residential, no access point shall be located closer to any side lot line than 20 feet.
- (f) Where access to a state or federal highway is controlled by regulations other than those stated herein, those rules and regulations shall prevail, whichever is more restrictive.
- (g) Permit Required.
  - (1) Prior to any curb cut or driveway cut, a permit must be obtained from the Public Works Department or designee.
  - (2) If a driveway pipe is required, the applicant must bear the cost of the pipe and its installation, which shall meet all County standards.
  - (3) For Driveway Permits, see under the "Other Permits" Division of Article 11 (Procedures and Permits) of this Development Code.

**Sec. 907. Easements.**

**907.01 General.**

All easements shall run with the land, be perpetual, and shall ensure to the benefit of the grantee in the easement, his/her heirs, administrators, executors and assigns. All provisions of Article 11 applicable to easements shall apply.

**907.02 Minimum Requirements.**

- (a) Minimum width for any easement that provides access to property in accordance with the provisions of this Development Code shall be 60 feet.

- (b) Any easement allowable in accordance with the provisions of this Development Code shall connect to a public road or street the parcel of land to which it furnishes access.
- (c) All such easements shall be surveyed with the plat thereof showing at least the center line, the bearings and distances of the entire easement, and the plat thereof recorded in the office of the clerk of the superior court in Harris County, Georgia.
- (d) Each plat of such easement shall be certified by the surveyor that the easement meets the requirements of the Harris County Development Code and other ordinances.
- (e) All cost of construction and maintenance of the easement shall be the responsibility of the grantee in the instrument granting such easement, and the county will not do any work upon such easements.
- (f) No easement shall be accepted for any parcel of land aside from the specific circumstances allowed per this Development Code.
- (g) Easements having a minimum width of 10 feet and located along the appropriate lot lines shall be provided for utility lines and underground mains and cables.
- (h) Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater or drainage system (closed or open) of adequate width and capacity. The Planning Commission may require a watercourse easement, the width of which may vary according to the localized conditions.
- (i) Subdivision plats served by a private road to be recorded with the Office of the Superior Court Clerk of Harris County shall contain the notes as follows:
  - (1) All private road(s) is/are privately maintained.
  - (2) All private road(s) has/have met current county private road(s) specifications.
  - (3) The Harris County Board of Commissioners is not responsible for any maintenance of easement road(s) shown on this plat.

**Sec. 908. Streets.**

**908.01 Dedication of Street Right of Way.**

In order for the Board of Commissioners to accept any streets/roads within Harris County, the procedures of Section 1117 in Article 11 (Procedures and Permits) shall be met.

**908.02 Street Improvements.**

- (a) Conformance.

Streets, whether existing or new, shall be constructed or improved under those circumstances and to the standards as established in this Article. Roadway improvements shall be in accordance with the street classifications as determined by the Community Development Department, the Department of Public Works, or this Development Code, as applicable, or as otherwise required by the Board of Commissioners.
- (b) Responsibility for Building Streets.
  - (1) It is the responsibility of the subdivider to construct access streets from existing streets/roads to connect with a proposed subdivision.

- (2) Access streets/roads shall meet the requirements of this Development Code and other applicable regulations in the Harris County Code of Ordinances prior to approval of a subdivision plat.
  - (3) In the instance where a proposed subdivision is fronting on an existing unpaved County or State road, the developer shall be responsible for road improvements from the subdivision entrance to the nearest paved County or State road in order to bring the road up to county standards.
- (c) Major Residential Subdivisions.
- In every major subdivision, street improvements shall be planned for and provided by the subdivider, by installation and/or payment, prior to the approval of the final plat.
- (1) Street grading and street base and paving shall be in accordance with County requirements and GDOT requirements, where applicable.
- (d) Continuation of Existing Streets.
- Existing streets adjacent to the subdivision shall be continued at the same or greater width, but in no case shall be less than the required width.
- (e) Improvements along State Highways.
- (1) For any development which abuts a state highway or other right-of-way controlled by the State of Georgia, improvements to the roadway and the location and design of any street or driveway providing access from the state highway shall comply with the standards and requirements of the GDOT only when more restrictive than the requirements of this Development Code.
  - (2) A permit for the proposed access or improvements shall be required to have been approved by the GDOT. and incorporated into the construction drawings for the project prior to issuance of a development permit by the County.

**908.03 Project Access Improvements.**

- (a) Single Family Detached, Single Family Attached, and Duplex Residential Subdivisions.
- (1) When property fronting on an existing or proposed County or State roadway, is to be developed or redeveloped as a single family or duplex subdivision, and the County or State road will provide access to the property, access improvements to the road (deceleration lanes, turn lanes, etc.) shall be provided by the developer as required herein.
  - (2) A deceleration lane shall be required, to be provided by the applicant/developer, at each subdivision street entrance that is provided street access to a major thoroughfare or State road, unless determined unnecessary by the County.
  - (3) Other Project Access Improvements may be required by the County upon the recommendation of the GDOT in order to ensure adequate site access, pedestrian access, convenience and safety to the motoring public.
  - (4) The developer shall be responsible for the relocation of public or private utilities and drainage structures as may be occasioned by the required roadway improvements.
- (b) Multi-Family and Nonresidential Developments.



- (1) When property fronting on an existing or proposed County or State roadway is to be developed or redeveloped for multi-family or nonresidential uses and the County or State roadway will provide access to the property, access improvements to the County road (deceleration lanes, turn lanes, etc.) shall be provided by the developer as required herein.
  - (2) A deceleration lane shall be required to be provided at each subdivision street entrance that is provided street access to a major thoroughfare or State road, unless determined unnecessary by the County.
  - (3) Other Project Access Improvements may be required by the County upon the recommendation of the GDOT in order to ensure adequate site access, pedestrian access, convenience and safety to the motoring public.
  - (4) The Developer shall be responsible for the relocation of public or private utilities and drainage structures as may be occasioned by the required roadway improvements.
- (c) Development Along Major Street, Limited-Access Highway or Railroad Right-Of-Way.
- Where a subdivision abuts or contains a major street, a limited-access highway or a railroad right-of-way, the Planning Commission shall require the following:
- (1) A street approximately parallel to and on each side of such right-of-way either as a marginal-access street, or at a distance suitable for an appropriate use of the intervening land, with a non-access reservation.
  - (2) Due regard should be given to requirements for approach grades and future grade separations in determining distances.
  - (3) Such lots shall not have access to a major street (or limited-access highway), but only to the access street.

**908.04 General Street Design Standards.**

- (a) Street Right-of-Way Widths.
- (1) The right-of-way width shall be the distance across a street from property line to property line.
  - (2) Minimum street right-of-way widths shall be as follows:
    - a. Major street widths: 100 feet.
    - b. Collector streets: 80 feet.
    - c. Minor streets: 80 feet.
    - d. Cul-de-sacs, 65-foot radius.
    - e. Minor streets with curb and gutter: 60 feet.
- (b) Street Pavement Widths.
- Street pavement widths shall be as follows:
- (1) Major street widths: as required by the GDOT or Harris County.
  - (2) Collector street widths: as required by the GDOT or Harris County.

(3) Minor streets and cul-de-sacs: as required by the GDOT or Harris County.

(c) Street Grades.

Maximum and minimum street grades shall be as follows:

(1) Major streets: 7% maximum.

(2) Collector streets: 10% maximum

(3) Minor streets and cul-de-sacs: 12% maximum.

(4) Minimum street grade: 0.5%.

(5) Maximum street grade: 12%, unless individual site characteristics and design needs justify.

(d) Street Jogs.

Street jogs with centerline offsets of less than 125 feet shall not be permitted.

(e) Horizontal Curvature.

The minimum radii of centerline curvature shall be as follows:

(1) Major streets: 800 feet.

(2) Collector streets: 200 feet.

(3) Minor streets and cul-de-sacs: 100 feet.

(f) Tangents.

Between reverse curves, there shall be tangents having the following minimum lengths:

(1) Major streets shall have a sight distance of at least 500 feet at 6 feet above ground level.

(2) Collector streets shall have a sight distance of at least 200 feet at 6 feet above ground level.

(g) Vertical Alignment.

Vertical alignment shall meet the following requirements:

(1) Major streets shall have a sight distance of at least 500 feet at 6 feet above ground level.

(2) Collector streets shall have a sight distance of at least 200 feet at 6 feet above ground level.

(h) Street Intersections.

(1) Street intersections shall be as nearly at right angles as possible.

(2) Minimum angle at street intersection: 60 degrees.

(3) Site distance at street intersections shall not be less than that required by the geometric design standards of the GDOT.

(i) Curb-line Radius.

(1) The curb-line radius at street intersections shall be at least 15 feet.

- (2) Where the angle of street intersection is less than 90 degrees, a longer radius may be required.
- (j) Driveways.
- (1) All driveways shall slope away from streets or roads at a rate of  $\frac{1}{4}$  inch to  $\frac{1}{2}$  inch per foot for a distance of 10 feet.
  - (2) All driveways require permits in accordance with Section 1126 of Article 11 (Procedures and Permits) of this Development Code.

**908.05 Local and Minor Collector Streets within Residential Subdivisions.**

- (a) Curb and Gutter Requirements for Local Streets.
- (1) For subdivisions located in the A-1 or R-R zoning districts, local streets within the subdivision do not require curb and gutter.
  - (2) For subdivisions located in R-1, R-2 or R-3 zoning districts, curb and gutter shall be required unless an exception is granted by the Planning Commission upon review of the preliminary plat and/or final plat.
  - (3) Curb and gutter shall be required in a conservation subdivision when net density is greater than 1 housing unit per 2 acres unless the approved conservation subdivision Concept Master Plan provides for stormwater conveyance and management not including curb and gutter.
  - (4) For roads not required to include curb and gutter, the road base shall be extended 1 foot beyond the edge of pavement, and the shoulders shall extend 5 feet from the edge of pavement to the standard ditch section on each side (see Standard Drawings).
  - (5) For all roads including curb and gutter, the roadway shall comply with the standards for new residential subdivision streets with curb and gutter as per the following section.

**908.06 Curb and Gutter.**

All new streets and improvements to applicable developments shall be provided with curb and gutter, except in subdivisions identified above in Section 908.05, where swale ditches may be provided in lieu of curb and gutter. All gutters shall drain smoothly with no areas of ponding.

- (a) Street pavement widths.

Pavement widths for streets with curb and gutter shall be at least 24 feet.

- (b) Residential Curbing.

Residential curbing shall meet the following requirements:

- (1) Concrete shall be Class "A" (as defined by GDOT) and have a minimum strength of 3,000 PSI at 28 days.
- (2) Typical minimum section shall be 6" x 24" x 12".
- (3) Vertical curbing shall be used unless, upon request of the applicant during the application review process, an exception is granted by the Planning Commission for the use of ribbon or valley curbing. Such curbing shall meet County design specifications.

- (c) Industrial or Commercial Curbing.
  - (1) Industrial or commercial curbing shall meet the following requirements:
  - (2) Concrete shall be Class "A" (as defined by GDOT.) and have a minimum strength of 3,000 PSI at 28 days.
  - (3) Typical minimum section shall be 8" X 24" X 14".
  - (4) Vertical curbing shall be used.
- (d) Principal and Major Arterials Curbing.
  - (1) Concrete shall be Class "A" (as defined by GDOT.) and have a minimum strength of 3,000 PSI at 28 days.
  - (2) Typical minimum section shall be 8" X 30" X 14.
  - (3) Vertical curbing shall be used.
- (e) Traffic Islands.

New traffic islands shall be provided with curb and gutter.

**908.07 Storm Drainage**

- (a) Storm Sewers and drains shall meet the following requirements:
  - (1) Shall be provided in each subdivision.
  - (2) Shall be designed to carry not less than the stormwater from a rainfall expected to occur once in 10 years, with a runoff of 90% for pavements and buildings and a variable runoff factor depending upon topography or ground for other purposes.
  - (3) Storm drain pipes shall consist of reinforced concrete.
  - (4) The storm sewer system shall be designed and sized to accommodate and provide for future extensions.
  - (5) The entire storm sewer system shall be approved by the county engineer or duly appointed agent of the Board of Commissioners prior its installation.
- (b) Drainage Swales and Ditches.

All drainage swales and ditches shall meet the following requirements:

- (1) Shall be a minimum of 6 feet wide with a 3:1 slope on each side.
  - (2) Shall be constructed asphalt or concrete or planted with sod sufficient to prevent erosion.
- (c) Stormwater Detention Facilities.

Detention facilities shall be planned, designed and provided in accordance with Article 10, Division 2 of this Development Code.

**908.08 Public Roads and Streets.**

All public roads or streets shall meet the following minimum requirements:

- (a) With curb and gutter: Minimum right-of-way of 60 feet.

- (b) Without curb and gutter: Minimum right-of-way of 80 feet.
- (c) A minimum roadway of 20 feet, placed on a 22-foot-wide base.
- (d) Roadbeds shall be at least 30 feet wide, including shoulders of 5-foot widths.
- (e) Station numbers shall be placed at 100-foot intervals and located in areas where they will not be destroyed.
- (f) Street Sub-grade.
  - (1) Prior to placing base, subgrade shall be tested by an engineer licensed by the State of Georgia and proof rolled with a tandem dump truck with minimum 18 tons, monitored by Public Works Department representative.
  - (2) Subgrade shall be set up at depth of 8 inches and width of 22 feet.
  - (3) Additional requirements in Section 913 shall be met.
- (g) Street Base.
  - (1) A minimum 8-inch base shall be provided, constructed of graded aggregate base (GAB).
  - (2) Additional requirements in Section 913 shall be met.
- (h) Drainage.
  - (1) Drainage ditches.
    - a. Drainage ditches shall be formed with the top of the slope commencing at the outside of the above-described roadway shoulder and sloping at a 3-to-1 grade to the drainage ditch or swale, and the swale shall be sufficiently wide and of such a profile to carry the calculated stormwater at a velocity consistent with erosion control maintenance standards of the County.
    - b. Back slopes shall be commenced outside of the bottom of the ditch or swale and also slope upward and outward at a 3-to-1 grade to a point upon or without the easement so as to permit machine maintenance and grass cutting.
  - (2) Cross drains.
    - a. Cross drains, with a minimum of 18-inch reinforced concrete pipe (RCP), and driveway pipe, with a minimum of 15-inch pipe, shall be provided together with related structures sufficient to control the stormwater and preserve the right-of-way.
    - b. Driveway pipe can be purchased from the Public Works Department when available.
    - c. Cross drains must be compacted to a minimum of 95% compaction.
    - d. Any open cuts of existing roads shall be monitored by Public Works Department staff.
- (i) All shoulders and slopes shall be covered with established bermuda or other approved grasses to prevent erosion and to allow mechanical mowing and maintenance.
- (j) Utilities.

- (1) Water lines and other utility lines to be buried shall be placed prior to laying the base on the road at a minimum depth of 48 inches from surface of road.
- (2) If a utility line is to be placed after the road has been constructed, the subject utility line should be placed under the road by boring. (Any water pipe placed in this manner shall be placed in a steel casing.)
- (3) If a connection to the water system requires a road crossing, see Section 909.02(c).

**908.09 Private Roads and Streets.**

In cases where allowable as an exception, per Section 501.03 this Development Code, all private easement roads (i.e., private roads) must meet the following minimum requirements:

- (a) A minimum easement 60 feet.
- (b) A minimum roadway of 20 feet, placed on a 22-foot-wide base.
- (c) Roadbeds shall be at least 30 feet wide, including shoulders of 5-foot widths.
- (d) Street Sub-grade.
  - (1) Prior to placing base, subgrade shall be tested by a registered soils/geotechnical engineer; and
  - (2) Subgrade shall be set up at depth of 8 inches and width of 22 feet; and
  - (3) Additional requirements in Section 913 shall be met.
- (e) Street Base.
  - (1) A minimum 8-inch base shall be provided, constructed of graded aggregate base (GAB); and
  - (2) Additional requirements in Section 913 shall be met.
- (f) Drainage.
  - (1) Drainage ditches.
    - a. Drainage ditches shall be formed with the top of the slope commencing at the outside of the above-described roadway shoulder and sloping at a 2-to-1 grade to the drainage ditch or swale, and the swale shall be sufficiently wide and of such a profile to carry the calculated stormwater at a velocity consistent with erosion control maintenance standards of the County.
    - b. Back slopes shall be commenced outside of the bottom of the ditch or swale and also slope upward and outward at a 2-to-1 grade to a point upon or without the easement so as to permit machine maintenance and grass cutting.
  - (2) Cross drains.
    - a. Cross drains, with a minimum of 18-inch reinforced concrete pipe (RCP), and driveway pipe, with a minimum of 15-inch pipe, shall be provided together with related structures sufficient to control the stormwater and preserve the right-of-way.
    - b. Driveway pipe can be purchased from the Public Works Department when available.

- c. Cross drains must be compacted to a minimum of 95% compaction.
- (g) All shoulders and slopes shall be covered with established bermuda or other approved grasses to prevent erosion and to allow mechanical mowing and maintenance.
- (h) Utilities.
  - (1) Water lines and other utility lines to be buried shall be placed prior to laying the base on the private road at a minimum depth of 48 inches from surface of private road.
  - (2) If a utility line is to be placed after the private road has been constructed, the subject utility line should be placed under the private road by boring. Any water pipe placed in this manner shall be placed in a steel casing.
- (i) The developer of a private road shall pave to the county/state road from edge of public paved road to right-of-way and shall install all required "stop" signs and stripe center lines; said paving shall be as required by this Development Code.
- (j) Cul-de-sac:

A private easement road must end in the form of a cul-de-sac with minimum dimensions specified in Section 905.06(b). All private road construction shall be subject to inspections prior to approval of final plat.
- (k) Street names.
  - (1) All names of easement roads shall in no way conflict with existing names or names similar to existing roads, streets, or drives in Harris County.
  - (2) The developer/owner of a private easement road shall install all easement road name signs to match the design, color, materials and size currently in use by Harris County for public roads and streets.
- (l) Required Signage.
  - (1) The developer/owner shall place and maintain, at the entrance of each private road, a metal sign stating: "Private Road—Not County Maintained."
  - (2) Sign shall be placed on a metal sign post compatible with the signpost standard in current use by Harris County.
  - (3) Size.
    - a. Sign shall be at least 24 inches by 24 inches in size with 3-inch by 2-inch letters.
    - b. Center sign height shall be at least 5 feet from road grade and not more than 6 feet from road grade.
  - (4) Location.
    - a. Sign shall be placed 6 feet from edge of the roadway facing the flow of traffic.
    - b. Sign shall be placed not more than 100 feet from entrance of easement road and not less than 25 feet from entrance of private road.
  - (5) Color.

Sign is to be blue in color with white letters.

(6) Stop Signs.

The developer/owner shall install "Stop" sign(s) at all entrances to public roads. Said "Stop" sign(s) shall conform to the current printed edition of "The Manual on Uniform Traffic Control Devices."

**908.10 Private Streets in Restricted Access Developments.**

(a) Restricted access developments.

Notwithstanding the requirements of this Article, the development of a subdivision on private streets shall be permitted subject to the provisions of this section. Such developments shall be designated as "Restricted Access Developments" and shall be allowed only in an R-R or R-1 Zoning District.

(b) Private streets.

Private streets shall be authorized only in subdivisions which restrict access thereto to residents of the subdivision and their guests, invitees, assigns or agents. Such subdivisions must erect and maintain a gatehouse and/or a security gate at the entrance of the subdivision. The gatehouse or security gate must be, at all times, manned and/or operational and equipped with a key-pass system or other electronic activation to allow residential access only. An emergency activated gate must be provided and operational to provide for access for emergency vehicles, to include ambulance, county fire and sheriff's department.

(c) Street design and construction.

The private streets within such restricted access developments shall be designed, constructed and maintained to comply with all Harris County and GDOT standards for public streets and otherwise comply with all street design requirements as provided for in this Development Code. The private streets or roads shall be designed so as to prohibit through traffic. All streets in restricted access developments shall have curbs and gutters. All utilities shall be underground. All storm water drainage shall be the responsibility of the developer and the property owners and Harris County shall have no responsibility for such stormwater drainage infrastructure.

(d) Entry lanes.

Acceleration and deceleration lanes for entry to and exit from the restricted access development shall be installed. The gate house or electronic gate into the development shall be set back from the public street so as to prevent traffic backup on the public street.

(e) Public vehicles.

School buses and county garbage collection vehicles shall not enter the restricted access development. A school bus stop with an appropriate shelter shall be constructed and maintained at the entrance to the restricted access development. A garbage collection site shall also be constructed and maintained at the entrance.

(f) Ownership of streets.

Title and ownership of the streets in a restricted access development shall be placed in the name of the homeowners' association for the restricted access development and title to such streets shall be at all times maintained in the name of the homeowners' association.



(g) Maintenance bond.

The developer of the restricted access development shall provide a maintenance bond to the homeowners' association holding title to the streets on the same terms and conditions as may exist from time to time for maintenance bonds required by Harris County ordinance for developers for public subdivisions, roads or streets.

(h) Evidence of ownership.

Prior to issuance of any building permits for lots within a restricted access development, the developer shall file for review, approval and acceptance by the Board of Commissioners a certification or evidence that the title and ownership to the private roads in the restricted access development are vested in the homeowners' association, that a maintenance bond has been posted, that a policy of title insurance has been or will be issued to insure clear title to the roads in the restricted access development is vested in the homeowners' association.

(i) Future street maintenance.

Harris County shall have no responsibility for present or future maintenance of the private streets within a restricted access development. The subdivision plat, as well as any covenants and restrictions for said subdivisions shall contain provisions that the streets are private, and that Harris County shall have no responsibility for present or future maintenance of the private streets.

(j) Maintenance covenant.

A covenant recorded in the deed records in the office of the clerk of the superior court shall be required for any private street within a restricted access development. The covenant shall specifically include the following terms:

- (1) The covenant shall establish minimum annual assessments in an amount adequate to defray costs of ordinary maintenance and procedures for approval of additional needed assessments. The covenant shall also specify that the funds from such assessments will be held by a homeowners or property owners association in cases of a subdivision fronting on a private street.
- (2) The covenant shall include a periodic maintenance schedule.
- (3) The covenant for maintenance shall be enforceable by any property owner served by the private street.
- (4) The covenant shall establish a formula for assessing maintenance and repair costs equitably to property owners served by the private street.
- (5) The covenant shall run with the land.

(k) Acknowledgment of private streets.

Prior to the sale and as a condition of the closing of a real estate transaction involving any lot served by a private street in a restricted access development in Harris County, the subdivider or seller of said lot shall execute a notarized purchaser's acknowledgment of private street construction and drainage maintenance responsibilities set forth below. A copy of the purchaser's acknowledgment shall be retained by the purchaser and shall be

required to be submitted as a condition of a building permit for a principal building on said lot:

Purchaser's Acknowledgment of Private Street and Drainage Maintenance Responsibility.

(I)(We) have read the Declaration of Covenant which pertains to the lot that is the subject of this real estate transaction \_\_\_\_\_ (insert address or attach legal description).

(I)(We) understand that the Declaration of Covenant applies to the lot that (I am) (we are) purchasing and requires (me)(us) to provide a specified percentage or amount of the financing for the repair and maintenance for any private street and drainage facilities serving the lot which (I am)(we are) purchasing. (I)(We) further understand that the county has no obligation to assist with the maintenance and improvement of the private street, drainage facilities, and other appurtenances within the restricted access development for the private road serving the lot levy purchased. (I)(We) understand that a copy of this purchaser's acknowledgment shall be required as a condition of the issuance of a building permit for a principal building on the lot (I am)/(we are) purchasing.

(l) Annual street assessment.

The homeowners association for each restricted access development shall levy and assess each lot owner a sufficient sum of money annually to provide for maintenance and repair of the private streets within the subdivision. Annually, the homeowners association shall provide a certification to the Board of Commissioners of the status of the account to include the amount levied and collected, the amount held in the account, and the amounts expended for street repair and maintenance. Board of Commissioners shall have the right to conduct periodic inspections of the streets within the restricted access development.

(m) Abandonment.

In the event that the gatehouse, security gate or electronic entry system is abandoned or ceases to function or to be maintained restricting entry for a period of 6 consecutive months, or the homeowners association fails to assess or maintain a street repair fund, the roads in the restricted access development shall, upon notice from the Board of Commissioners, cease to be utilized as private roads and shall be open for public use. Upon demand from the Board of Commissioners, the homeowners association shall convey fee simple title to the private streets to Harris County free and clear of all liens, debts or encumbrances along with all street maintenance funds held by the homeowners association.

(n) Special tax district.

For each restricted access subdivision approved under this ordinance there shall be created at the time of approval a special tax district. The special tax district shall encompass and be coterminous with the boundary line of the approved restricted access subdivision. The purpose of the special tax district for the restricted access subdivision is to authorize the Harris County Board of Commissioners to levy a tax upon the property and lots within the subdivision for the repair and improvements of the roads within the restricted access subdivision if the title to the streets become vested in Harris County and are in need of repair. No tax shall be levied unless the owners of the property within the restricted access subdivision or the homeowners association do not comply with the obligation to maintain and repair the private roads and streets within the restricted access development, the development abandons or ceases to function as or be maintained as a restricted access

development or fails to assess and maintain an escrow account for future road repair and maintenance and the road becomes a public road as provided for hereunder.

- (o) Board of Commissioners' approval.

Prior to issuance of any building permits for the lots within a restricted access development, the restricted access development must be approved by the Board of Commissioners in compliance with all matters set forth herein.

**Sec. 909. Utilities.**

**909.01 Utility Facilities and Equipment Near County Roads.**

- (a) In order to more efficiently provide for the safety of persons and vehicles traveling on the county roads, and the maintenance of roads in the county, the Board of Commissioners does ordain and enact into law the provisions of this section, as allowed under O.C.G.A. § 32-4-42(6).

- (b) Encroachment Permit; required.

- (1) When a utility company, private company, or an individual plans to place any type utility wire, line, cable, conduit, pipe or any other object underground along the rights-of-way of the county's roads, streets or easements, they must first secure a written permit from the Public Works Department.

- (2) Prior to securing an Encroachment Permit, all utility companies proposing to install any type pf new utility lines within County right-of-way must have a utility locate called in before applying for an Encroachment Permit. The utility provider shall not begin any work until the Encroachment Permit has been signed by the Public Works Director and said permit is posted on site along with a copy of Harris County Department of Public Works Regulations and Special Provisions for Utility Installation, Restoration and Cleanup document.

- (3) Application and Review Procedures.

Application for a permit for utility facility encroachment shall be presented to the Public Works Department with a sketch or plan attached indicating the exact location of subject line, conduit, etc. The application form can be secured from the Public Works Department.

- (4) Location Requirements.

- a. All utilities, including any type of utility wire, line, cable, conduit, pipe or any other object to be laid underground shall be placed a minimum of 3 feet deep and placed as close as possible along the back side of the right-of-way; and

- b. Unless otherwise approved or directed by the Public Works Director, all water pipes, sewer pipes, etc., shall be placed on the right side of the road (as one drives north to south or east to west); and

- c. All telephone, electrical and other cables, etc., shall be placed on the left side of the road (as one drives north to south or east to west) unless otherwise approved or directed by the Public Works Director.

- d. Any variance to this directive must be approved by the Public Works Director prior to construction.

- (5) Procedures for Required Removal or Relocation of Utility Facilities.
  - a. When the Board of Commissioners shall reasonably determine that any pipe, main, conduit, cable, wire, pole, tower or other signal, and other equipment, facilities or appliances of any utility in, on, along, over or under the public roads of the county should be removed or relocated, because it has become an obstruction or interference with the use and safe operation of a county road, or will become an obstruction or interference with the use and safe operation of a contemplated county road, a written notice shall be directed to the utility company giving at least 60 days' notice in which to make such change as is necessary for removal or relocation as may be necessary.
  - b. If the utility does not thereafter begin removal procedures within a reasonable time sufficient to allow for engineering and other activities necessary to the removal and relocation of the utility facility, the commissioners may give the utility a final notice directing that such removal shall commence not later than 10 days from receipt of such final notice.
  - c. If such removal has not begun, or if such removal has begun and the relocation has not been completed within a reasonable time, the Board of Commissioners may remove or relocate the same with its own employees, or by contracted labor, tools, equipment, supervision, or other necessary services or materials and whatever else is necessary to accomplish the removal or relocation, and the expense thereof shall be charged to the utility.
  - d. The expense shall be certified to the county attorney, who shall have the authority to proceed with suit against the utility for same if payment or arrangements to make payment are not made within 60 days.
- (6) Nothing in this section shall be construed so as to deprive any utility, relocated from a location in which it owned a property interest, of compensation for such property interest.

**909.02 Water Systems.**

- (a) Water supply and/or distribution system requirements shall be in accordance with Chapter 7 of the Harris County Code of Ordinances (Water, Sewage and Utilities requirements), other rules, specifications and details administered by the Harris County Water Works Department, and other such requirements as adopted by the Board of Commissioners.
- (b) All potable water systems shall be subject to the current applicable "Rules for Safe Drinking Water: Chapter 391-3-5, Revised June 1989, Georgia Environmental Protection Division" or the most recent version of the same, and applicable County regulations, policies and construction standards.
- (c) Public water service shall be provided to every lot in every subdivision and to every development for both domestic use and fire protection if public water is available or under bid or contract to be available within 1,500 feet of the subdivision or development.
  - (1) The subdivider shall be responsible for the cost of all taps, fire plugs, and extension to existing public facilities in accordance with applicable county standards.

- (2) If a connection to the water system requires a road crossing, (e.g., connecting to a water line located outside of the subdivided property), the following standards shall be met:
  - a. The contractor shall jack and bore whenever possible; however, if a bore is not feasible and the County approves it, a road cut is allowed and shall meet the requirements below in subsection (c)(2)(b).
  - b. Any road cuts, whether for water system purpose or any other purpose, must be compacted to 95% with stone up to the top of pipe, 6" concrete, and 2" asphalt paving.
- (d) Water line design considerations and requirements.
  - (1) If it is possible to loop the water lines for a new development, upon determination by the Water Works Director or Engineer, it shall be required.
  - (2) For Subdivisions with a second entrance, water lines shall be provided on both entrance roads, if feasible, upon determination of the Water Works Director or Engineer and depending on availability of county water in that location.
  - (3) Upon review of an application, the Water Works Director may require a water utility access easement for certain lots.
- (e) Where a public water main is not reasonably accessible as determined by the Planning Commission, the subdivider shall provide a water supply as follows:
  - (1) A water source approved by the Harris County Health Department shall be required for a subdivision of 1 to 5 acre lots.
  - (2) Each lot within a subdivision, regardless of lot size, shall be served by its own independent water source (well); such water source (well) may serve only one residence.
  - (3) For purposes of this paragraph, a public water main or source shall be any service provided by any public water provider, regardless of political boundaries.
- (f) Fire Hydrants.
  - (1) Fire hydrants are required in all subdivisions and development projects served by a public water system.
  - (2) Fire hydrant spacing shall be in accordance with the water system specifications of Harris County. Placement of fire hydrants is subject to approval by the Water Works Department and Fire Department officials.
  - (3) Fire hydrants as specified by the Water Works Department officials shall be located every 500 feet or at every intersection, whichever is closer.

**909.03 Sewer Systems.**

- (a) Developer Responsibilities.

In every minor and major subdivision, the following utilities shall be planned for and provided by the subdivider, by installation and/or payment, prior to the approval of the final plat:

- (1) Where a public sanitary sewer is within 500 feet of the subdivision at its nearest point and connection by gravity flow is feasible, the subdivider shall connect with such sanitary sewer and provide a connection for each lot.
  - a. The subdivider shall be responsible for the cost of all taps, lift stations, manholes, and extension to existing public facilities.
- (b) Private Sewage Disposal Systems.
  - (1) Where sanitary sewers are not available, as determined by the Planning Commission, the subdivider shall provide a private sewage disposal system as follows:
    - a. An oxidation pond, septic tank, or other disposal device designed according to the county environmental health specialist or the department of natural resources, environmental protection division (DNR EPD) shall be installed and operable.
    - b. For the purposes of this paragraph, a public sanitary sewer shall be any service provided by any public sewage provider, regardless of political boundaries.

## **DIVISION II. PROJECT CONSTRUCTION STANDARDS.**

### **Sec. 910. Overview: Project Construction.**

All improvements shall conform to standard specifications as set forth in this Development Code and in the applicable regulations of the County, and/or other state and federal regulations. In case of conflict, the more stringent standards shall apply.

#### **910.01 Responsibility During Construction.**

- (a) The developer and his/her Design Professional of Record have full responsibility for quality control and inspection during construction to ensure substantial conformance with the approved construction plans, County standards, County regulations, and generally accepted construction practices. County personnel only provide construction observation to intermittently check the adequacy of the developer's quality control and inspection.
- (b) Any construction issues requiring an interpretation and/or change in the plans, standards, and/or regulations are to be resolved by the Design Professional of Record and presented to the County for written concurrence or approval. Any design changes must be revised on the construction plans and issued as a change to the approved construction plans.
- (c) Failure of the developer to provide adequate quality control and inspection which results in a substantial nonconformance with the plans, standards, regulations or generally accepted construction practice or endanger the public health, safety, and welfare shall be cause for the County to issue a Stop Work Order for any or all portion(s) of the construction in accordance with County procedures and ordinances. The order will remain in effect until the developer or his/her Design Professional of Record can demonstrate to the County that adequate quality control and inspection will be provided to address and correct the nonconformance and minimize the potential for further non-conformance issues or endangerment issues.
- (d) Each day of continued construction on the scope of work covered by the Stop Work Order under this Development Code shall be considered a separate violation.

- (e) The developer controls the means, sequence, and methods of construction. As such, the developer has full responsibility for safety on the project site and compliance with all federal, state, and local regulations pertaining to safety and environmental requirements.
- (f) Preconstruction activity.
  - (1) Following the issuance of any permit authorizing clearing and grading of a site, areas required to be undisturbed, such as natural landscape buffers or stream buffers, must be designated by survey stakes, flags, ribbon, or other appropriate markings and shall be inspected and approved by the County Inspector prior to the commencement of any clearing or grading activities.
- (g) Grading.
  - (1) Grading shall be done in accordance with the lines and grades drawn on the approved grading plan.
  - (2) Required erosion and sedimentation control measures and stormwater drainage facilities are to be installed in accordance with the approved plans as development progresses.

**910.02 Development phase inspections.**

Requests for inspections shall be made by the owner or contractor to the Community Development, Public Works or Water Works Department in accordance with the listing of inspection responsibilities established by Harris County. Such requests shall be made at least 24 hours prior to when the inspection is needed. Inspections shall be made and passed prior to continuation of further activity or proceeding into new phases of development. Inspections are required of each of the following phases, as applicable to the actual work to be performed under the development permit:

- (a) Prior to clearing or clearing and grubbing of the property or any portion included under the development permit, inspection of erosion and sedimentation control measures and protective devices for undisturbed areas. Inspection of erosion and sedimentation control measures will be conducted on a continuing basis.
- (b) Upon completion of street grading, inspection and approval shall be required prior to trenching or continuation with subgrade preparation.
- (c) Upon installation of storm drainage pipe, detention, or other storm water facilities.
- (d) Of street curbing and gutter (if provided).
  - (1) Inspection shall be requested after the forms or string line have been set.
  - (2) Street width and vertical and horizontal alignment may be spot-checked.
- (e) Of sub-grade of streets. The sub-grade may be roll tested in accordance with Section 913.
- (f) Of street base.
  - (1) The base may be string-lined for depth and crown.
  - (2) The street base will be tested for depth and compaction in accordance with Section 913 and may be roll-tested in accordance with Section 913 at the discretion of the County Inspector.

- (g) Of paving.
  - (1) A County Inspector may be on site during the paving process to check consistency, depth, and workmanship, as applicable.
  - (2) For asphalt paving, the temperature of the material will be monitored, the asphalt will be tested for depth and compaction in accordance with Section 913 and may be roll-tested in accordance with Section 913, at the discretion of the County Inspector.

**910.03 As-built data.**

- (a) Upon completion of the development activity as authorized by the development permit and prior to final development inspection of public and private improvements, the owner shall submit to the Community Development Department, Public Works Department and the Water Works Department, as appropriate, for review and approval, a complete set of record drawings showing "as-built" conditions prepared by the design professional of record who prepared the original plans, or a professional land surveyor, engineer or landscape architect licensed in the State of Georgia. These drawings shall show the location of:
  - (1) Street centerlines and rights-of-way lines.
  - (2) Drainage system pipes, manholes and channels, including finished elevations.
  - (3) Storm water detention facilities including finished elevations.
  - (4) Sanitary sewer system (if any) including finished elevations.
  - (5) Water system (if any) and reuse water system (if any) including finished elevations.
- (b) The as-built data shall be certified and sealed by the design professional of record or other professional preparer, subject to the tolerances of accuracy indicated in the certification.

**910.04 Final development inspection.**

- (a) Following submission and review of the as-built data, the Community Development Director, Public Works Director or designee shall conduct a final development inspection of the project.
- (b) The owner shall be responsible for correcting any deficiencies identified in the final development inspection prior to approval of a final subdivision plat.

**Sec. 911. Site Clearing and grading.**

Grading and land disturbance operations shall not begin until approval of the preliminary plat or site plan (as applicable), subdivision construction plans and soil erosion and sediment control plans and until a pre-construction conference has been conducted with County officials, the developer, developer's consultant, contractors and subcontractors.

**911.01 Initiation of Clearing and Grading Activities.**

- (a) Clearing and grading shall not proceed until issuance of an approved development permit authorizing such activities. No development permit authorizing clearing or grading shall be issued prior to review and approval by the County of construction plans as applicable to the property. See Article 11: Procedures and Permits of this Development Code for details.



- (b) Grading shall be done in accordance with the lines and grades drawn on the approved grading plan. Protective devices for undisturbed areas, if any are required, must be installed, inspected and approved in accordance with the approved construction plans prior to the initiation of clearing and grading activities.
- (c) Erosion and sedimentation control measures.
  - (1) Required erosion and sedimentation control measures must be installed, inspected and approved in accordance with the approved soil erosion and sedimentation control plan prior to any major development activity, and shall be maintained or supplemented as development progresses.
- (d) Stormwater drainage facilities.
  - (1) Required stormwater drainage facilities are to be installed in accordance with the approved stormwater management plan as development progresses.

**911.02 Slopes.**

- (a) Cut or fill slopes in the public right-of-way and/or slope easements shall not exceed three (3) horizontal units to one (1) vertical unit, unless otherwise approved by the County based on topographic conditions. This is the maximum allowable slope and should not be considered the norm. If grading plans indicate cut or fill slopes outside of the right-of-way then the construction plans and final plat shall indicate slope easements for the required grading.
- (b) No cut or fill slopes or existing unadjusted slope shall encroach closer than 8 feet from the back of curb in curbed sections, or 15 feet to the edge of pavement for un-curbed sections on any street right-of-way within the subdivision. A cut or fill slope between lots should be confined to the lower lot whenever possible so as to avoid erosion from the higher lot to the lower lot.
- (c) All fill slopes created for the purpose of street or home construction shall have a compaction of not less than 95 percent as determined by the established engineering practices.
- (d) All slopes created or existing within the subdivision or as a result of the subdivision development shall be planted or otherwise protected from erosion and failure.

**Sec. 912. Excavating and trenching**

**912.01 Definitions.**

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- (a) Excavation:
  - (1) The mechanical removal of earth material.
  - (2) Any manmade cavity or depression in the earth's surface, including its sides, wall, or faces, formed by earth removal and producing unsupported earth conditions by reasons of the excavation. If installed forms or similar structures reduce the depth-to-width relationship, an excavation may become a trench.

- (b) Excavation and Trenching Certificate: The certificate issued upon satisfactory completion of a mandatory training/educational program regarding excavation and trenching safety practices.
- (c) Excavation and Trenching Certificate Holder: The holder of the "excavation and trenching certificate" identified above.
- (d) OSHA: The U.S. Department of Labor, Occupational Safety and Health Administration, or successor agency.
- (e) Trench: A narrow excavation made below the surface of the ground. In general, the depth is greater than the width, but the width of a trench is not greater than 15 feet.

**912.02 Unauthorized Excavation and Trenching.**

No individual, partnership, corporation, or other entity of any kind whatsoever shall engage in any excavation or trenching except in compliance with the provisions of this Section and in compliance with any applicable laws of the State of Georgia or of the United States or the Occupational Safety and Health Administration (OSHA), or any other state or federal governmental entity or department rules and regulations applicable to excavating and trenching.

**912.03 OSHA safety and health regulations.**

All safety and health regulations adopted by OSHA with regard to excavating and trenching operations, particularly part 1926, Subpart P: Excavations, Trenching, and Shoring (Section 1926.650, 1926.651, 1926.652, 1926.653 of the Code of Federal Regulations), as the same now exist or may be hereafter amended, are adopted as a part of this Development Code as if quoted verbatim herein.

**912.04 Excavation and trenching certificate required.**

Harris County will honor excavation and trenching certificates issued by agencies that can satisfactorily show proof that their training/educational program meets or exceeds accepted standards for excavation and trenching safety practices training/education.

**912.05 Permit required.**

- (a) No excavating or trenching shall be performed until a permit for same has been obtained from the appropriate County department (see Article 11: Procedures and Permits of this Development Code). All applicants shall be required to acknowledge receipt and understanding of safety requirements before a permit will be issued. All such permits shall be conspicuously posted upon the job site.
- (b) No permit shall be issued unless an authorized agent of the applicant holds an excavation and trenching certificate.

**912.06 Enforcement of excavation and trenching requirements.**

- (a) The Community Development Director, the Public Works Director, or designated representative shall have the authority to cause any trenching or excavation work in progress to be halted upon a finding that these certificate requirements are not being met on the particular job site. The said County Official may issue a verbal warning or a written citation in his discretion.

**912.07 Inspection by Harris County.**

The Community Development Director, the Public Works Director, or the designated representative of either shall periodically inspect trench/excavation sites. Such inspectors shall, among other things, verify the presence of the required permits, the existence of required excavation and trenching certificates and compliance with OSHA safety standards hereinabove adopted.

**912.08 Violations.**

In addition to the provisions of Article 12: Administration and Enforcement of this Development Code, the following shall apply to violations under this Section:

- (a) Violations of this Section may result in revocation or suspension of any excavation and trenching certificate issued hereunder as set out above.
- (b) Violations of this Section may result in revocation or suspension of excavating/trenching permits issued hereunder as set above.
- (c) When oral notice is not deemed sufficient, a written notice of violation may be issued for any deficiency. Upon receipt of such notice, the deficiency shall be corrected immediately.
- (d) Excavation and trenching work upon any job site shall be required to cease immediately upon discovery that there is trenching activity by any person not an excavation and trenching certificate holder, when there is a refusal or failure to correct deficiencies immediately or when such work is being done without a permit.
- (e) If deficiencies identified in a notice or violation are not timely corrected, the building permit, land disturbance permit or any other permit issued by Harris County may be suspended or revoked for due cause upon the conditions herein identified for revocation of authorization.
- (f) Flagrant or repeated violations shall be reported by Harris County to OSHA for action by that agency.

**Sec. 913. Installation of streets and utilities.**

**913.01 Permits**

- (a) Clearing, grading or other land disturbing activities associated with subdivision construction shall not commence until the preliminary plat, engineered construction plans and soil erosion/sediment control plans have all been approved by Harris County. This shall not be construed to prohibit necessary logging or survey operations prior to approval of such plans.
- (b) Permits shall be required for utility installation.
  - (1) The Water Works Department and all other utility companies (telephone, electric, pipelines, etc.) shall be contacted by the contractor prior to the beginning of any type street/road construction within Harris County. (See also County Code of Ordinances Chapter 7, Water, Sewage and Utilities.)

**913.02 Additional design and construction considerations**

More stringent design and construction standards may be required by the County where streets cross 100-year flood plain(s), serve as the only means of public ingress and egress to one or more lots, cross flowing streams, cross poor soils or encounter other similar conditions. See Article 8 of this Development Code for additional requirements regarding flood zones.

**913.03 Installation of utilities, general**

(a) General.

All streets, roads, and alleys shall be constructed to provide the necessary paving, roadway, drainage, and safety requirements as provided herein and by other specifications of Harris County.

(b) Clearing and grubbing.

All streets, roads and alleys shall be graded to their full width so that pavement, shoulders and sidewalks, where required or proposed for future installation, can be constructed on a uniform plane. The right-of-way shall be cleared of all trees. Additional trees shall be removed outside of the right-of-way if the area under the dripline of the tree in the right-of-way is disturbed, or as directed by the Community Development Director, Public Works Director or designee.

(c) Placement of utilities

(1) All authorized public underground utilities shall be located within the right-of-way of a public street or within an easement designated for such use. Within public street rights-of-way, placement of the various authorized utilities (power, gas, cable TV, water and sewer) shall conform to the specific locations designated for such use by Harris County, as determined by the Public Works Department.

(2) No other underground utilities, such as private lawn sprinkler systems, yard lighting, etc., shall be installed within a public right-of-way or easement except by authorization of the Public Works Department. Such authorization, if issued, shall require the applicant to assume all repair costs of the applicant's facilities should they be damaged during the course of installation, maintenance or repair of any of the public utilities authorized to occupy said right-of-way or easement

(3) Placement of utilities shall be in conformance with this Development Code and Chapter 7, Water, Sewage, and Utilities, of the Harris County Code of Ordinances.

(d) Underground utilities construction.

(1) All water and sanitary sewer utilities and storm drain facilities within the curbs shall be installed and the ditches backfilled and thoroughly compacted before any pavement or base is installed.

(2) Once the base has been placed, all further installation of utilities under the roadway shall be bored or otherwise comply with all County and Public Works Department requirements for street cuts.

(3) All utility manholes and valve boxes shall be brought flush to the finished grade within the roadway section.

(4) All utility locations shall adhere to the details found in the Standard Details and Specifications.

**913.04 Slopes and shoulder improvements.**

(a) Drainage ditches shall be formed with the top of the slope commencing at the outside of the above-described roadway shoulder and sloping at a 3:1 grade to the drainage ditch or swale, and the swale shall be sufficiently wide and of such a profile to carry the calculated

stormwater at a velocity consistent with erosion control maintenance standards of Harris County. Back slopes shall be commenced outside of the bottom of the ditch or swale and also slope upward and outward at a 3:1 grade to a point on or outside the right-of-way so as to permit machine maintenance and grass cutting, unless topography necessitates a steeper slope to stay within the right-of-way as determined and approved by the public works director or his designee.

- (b) All shoulders and slopes shall be covered with established Bermuda, centipede, or other approved grasses to prevent erosion and to permit mechanical mowing and maintenance.

**913.05 Construction methods, roadways.**

- (a) New Major Thoroughfares.

Major thoroughfares abutting residential or non-residential development projects shall be constructed in accordance with designs prepared by Harris County or GDOT, or, if no design has been prepared, in accordance with the following standards and standard details of the Public Works Department.

- (b) Station numbers are to be placed at 100-foot intervals and located in areas where they will not be destroyed.
- (c) Roadway grading and embankments.
  - (1) All streets and roads shall be graded to their full width by the subdivider so that pavements and sidewalks, where required or proposed for future installation, can be constructed on a level plane as shown in the cross-sections on the approved plans.
  - (2) The entire area within the typical grading section shall be cleared and grubbed of all trees, bushes, stumps and debris. Such debris shall be disposed of in a lawful manner and shall not be buried in the right-of-way or within the project limits.
  - (3) Road fill of suitable material free of organic matter shall be placed in uniform eight-inch layers compacted to at least 95% of maximum density throughout as specified for construction and testing in the GDOT standards for embankments. Embankment compaction test shall be taken at an interval not exceeding 2,500 cubic yards. All storm drainage and other underground utilities installed under the roadbed and the backfill in all ditches shall be compacted to at least 95% maximum density. Compaction testing of backfill for said structures shall be taken at a minimum interval not less than 1 between any 2 structures. Compaction test results shall be reported to the County immediately after results are obtained.
  - (4) Cut and fill slope ratios shall start at the edge of the right-of-way and shall not exceed 3:1 in the right-of-way and 2:1 outside of the right-of-way. In lieu of a cut or fill slope, a retaining wall may be utilized where necessary with the approval of the County.
  - (5) Cut or fill slopes shall be uniform for each section of cut or fill. The depth of cut or fill shall be constructed to the maximum cut or fill occurring in any one section. When a cut made in rock requires blasting, the slope may be changed to an alternative slope grade upon written approval of the County.
  - (6) If paving is to be delayed, provisions shall be made to drain low points in the roadway. If curbing has not been installed, a break in the berm section may be provided. If

curbing is in place, 4-inch pipe sections shall be used to provide drainage under the curb to side slopes.

- (7) All work must be approved by the County prior to preparation of the subgrade. It is the duty of the design professional to inspect and confirm that road grading specifications have been met. The developer will provide to the County a statement of inspection completed by a registered professional engineer, licensed by the State of Georgia, that all construction requirements have been met for roadway grading. The developer shall also provide certification to the County, by a professional land surveyor or engineer licensed in the State of Georgia, that grading has been completed to the lines and grades to a tolerance of +/- 6 inches. The developer will also provide staking of the roadway centerline in conjunction with said certification for verification by the Public Works Director or designee. Upon approval of such certification documentation by the County, road construction may continue.
- (d) Preparation of subgrade for all streets shall include the following.
- (1) Sub-grade preparation shall be in accordance with GDOT specifications and this Article.
  - (2) Prior to placing base, the entire surface of in-place subgrade shall be processed (plowed and harrowed).
  - (3) After material has been thoroughly mixed, the subgrade shall be brought to a final grade and compacted to 100%.
  - (4) Subgrade shall be tested by a registered soils/geotechnical engineer and/or by proof-rolling the entire road with a loaded truck (18-ton minimum).
  - (5) Compaction tests shall be taken every 500 feet or at intervals specified by the Public Works Director or his designee, and the results of said tests shall be provided to the Public Works Director or his designee.
  - (6) Prior to placing any subsequent layer of base materials, the subgrade shall have sufficient stability to support construction equipment without excessive movement regardless of compaction.
  - (7) Areas of subgrade that are unstable shall be remixed to a moisture content that will provide stability and compaction to the satisfaction of the Public Works Director or designee.
  - (8) It is the duty of the design professional to inspect and confirm that subgrade preparation specifications have been met. The Developer will provide to the Public Works Director a statement of inspection completed by a registered professional engineer, licensed by the State of Georgia, that all construction requirements have been met for roadway subgrade preparation. Upon presentation and approval of such documentation by the Public Works Director, roadway construction may continue.
- (e) Preparation of street aggregate base course.
- (1) A minimum of 8-inch base, 22 feet wide, constructed of GDOT-approved graded aggregate base (GAB) compacted 100% shall be installed.

- (2) All base course material shall be deposited and spread by means of spreader boxes, or approved mechanical equipment, or from moving vehicles equipped to distribute the material in a uniform layer.
  - (3) Immediately following the spreading of the coarse aggregate, all material placed shall be compacted to the full width by rolling with a smooth wheel power roller of adequate size and weight to achieve compaction.
  - (4) Any irregularities, areas of segregation, or depressions that develop under such rolling shall be corrected by loosening the material at these places and adding or removing material until the surface is smooth and uniform. The application of water, applied uniformly over the base course, may be required to achieve adequate compaction. Shaping and rolling shall be performed alternately as required to maintain a uniform compacted base until a surface or treatment has been applied to the base. Along curbs, headers and walls and at all places not accessible to the roller, the base course material shall be tamped thoroughly with mechanical tampers or approved hand tampers.
  - (5) Compaction tests shall be taken every 500 feet or at intervals specified by the Public Works Director or designee, and the results of said tests shall be provided to the Public Works Director or designee.
    - a. No graded aggregated base shall be placed on muddy or frozen subgrade. The moisture content of the graded aggregate base shall be uniformly distributed and shall be adequate to allow compaction to the specified density. After the material placed has been shaped to line, grade and cross section, it shall be rolled until the course has been uniformly compacted to at least 100% of the maximum dry density when Group 2 aggregate is used, or to at least 98% of maximum dry density when Group 1 aggregate is used. The theoretical maximum dry density shall be established using the appropriate test methods of the GDOT Sampling, Testing and Inspection Manual. Moisture content shall be within +/- 3% of the optimum content. Compaction test results shall be reported to the Public Works Director immediately after results are obtained.
  - (6) After the base course has been installed and inspected, and before any surface is applied, all residential streets shall be primed with suitable asphaltic materials as per GDOT Specification 412.
    - a. Prime may be omitted if paving can be done within 24 hours and the base is moist.
  - (7) A good grade of material which will meet Class B specifications shall be placed on the shoulder. Public Works Director shall confirm and provide Class B specifications upon request.
  - (8) It is the duty of the design professional to inspect and confirm that graded aggregate base course preparation specifications have been met. The developer will provide to the County a statement of inspection completed by a registered professional engineer, licensed by the State of Georgia, that all construction requirements have been met for roadway graded aggregate base course preparation. Upon presentation and approval of such documentation by the County, roadway construction may continue.
- (f) Curb and gutter

- (1) Curb and gutter shall be set true to line and grade, horizontal be field staked, and finished to the section shown on the plans. Along the Project Access Improvements of a road for which the GDOT or the Public Works Department resurfacing has been scheduled within 1 year of the new construction, the grade of the new gutter shall be placed 1 inch above the Project Access Improvement pavement grade in areas where drainage will not be adversely affected.
  - (2) Line and grade shall be set by developer's engineer or surveyor on grade less than 2% and greater than 12%, and within 100 feet in both directions from all low points.
  - (3) One-half inch expansion joints or pre-molded bituminous expansion joint material shall be provided at all structures and radius points and at intervals not to exceed 250 feet in the remaining sections of the curb and gutter.
  - (4) Inferior workmanship or unprofessional construction methods resulting in unacceptable curb and gutter will be cause for rejection of the finished work.
  - (5) Disturbed areas along all curbing shall be backfilled, stabilized, and grassed.
- (g) Asphaltic concrete construction.
- (1) The paved roadway:
    - a. Shall be a 2.5-inch binder (i.e., asphalt concrete), either 12.5 MM level A or 9.5 MM level A with a 1-inch topping, which shall meet GDOT specifications. The topping shall be applied in accordance with (7) below.
    - b. Shall be placed by a qualified person/company with a Barber Green or equivalent asphalt paver and shall be smoothed and compacted to meet Harris County specifications.
  - (2) Corings to verify thickness shall be taken every 1,000 feet or at intervals specified by the Public Works Director or designee, and the results of said corings shall be provided to the Public Works Director or designee.
  - (3) Material, equipment, seasonal and weather limitations, preparation of road surface, material application and construction methods shall be the same as set out in the GDOT's Standard Specifications for Road and Bridges, latest edition, and any amendments thereto.
  - (4) Mix design(s) shall be provided to the County for approval at least a minimum of 2 weeks prior to paving operations.
  - (5) Where a binder course is provided on streets, a tack coat shall be applied to all prepared road surfaces as provided in GDOT Specifications.
  - (6) On streets where a binder course is provided, the final layer of asphalt shall be placed no later than 1 year after the binder course is laid or when 80% of the project is built-out whichever comes first. Any broken or cracked asphalt shall be removed and patched, and paved roadway shall be tacked and overlaid with a 1-inch thick layer of type 12.5 MM level A or 9.5 MM level A.
  - (7) The Public Works Director shall require that all work meet or exceed the above requirements.



- (8) It is the duty of the design professional to inspect and confirm that the roadway asphaltic concrete construction specifications have been met. The developer will provide to the County a statement of inspection completed by a registered professional engineer, licensed by the State of Georgia, that all construction requirements have been met for roadway asphaltic concrete construction. Upon presentation and approval of such documentation by the County, roadway construction will be considered as complete for the purpose of final plat.

**Sec. 914. Building Construction.**

**914.01 Building Permit Required.**

- (a) No construction activity of any kind including grading, installation of improvements, and building shall begin on any subdivision lot or site development project without the prior approval and issuance of a building permit by the Community Development Department.
- (b) The Community Development Department shall not issue any permit for the erection of any building or structure to be located in any subdivision, wherein a plat is required to be recorded pursuant to the provisions of this Development Code, until such plat shall have been admitted to record as provided for in this Development Code.

**914.02 Building Site Development.**

Development and building construction on an individual subdivision lot (such as a single-family detached home) or development project site (such as a nonresidential building or multi-family project) shall be in accordance with the Grading and Draining of Individual Building Sites Section of Article 10 (Erosion Control and Stormwater Management) of this Development Code.

**914.03 Certificate of Occupancy Required.**

- (a) No dwelling within the county may be occupied for dwelling purposes until all required utility installations, including the water supply and sanitary sewer systems, have been completed to the satisfaction of the Health Department and the Community Development Department.
- (b) No principal building of any kind shall be occupied or used for any purpose until a Certificate of Occupancy has been issued, as authorized by the Community Development Director, or designee.

## Article 10. Erosion Control and Stormwater Management

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## **Article 10. Erosion Control and Stormwater Management**

Article 10 contains the requirements that relate to the impact of rainfall events on the natural and manmade environment, including the erosion and siltation effects of site grading and land disturbance activities and the control of stormwater flows and dams.

### **Sec. 1001. Standards Incorporated by Reference.**

#### **1001.01 Stormwater Management.**

The design, construction, operation and maintenance of the stormwater system, including stormwater detention facilities and all conveyances whether piped or open, shall conform to the provisions of the Georgia Stormwater Management Manual, published August 2001 and as may be amended by local addenda of Harris County from time to time, or as periodically updated or expanded based on improvements in science, engineering, monitoring or local maintenance experience.

#### **1001.02 Owner Responsibilities.**

Any property where erosion problems are resulting in sedimentation or where sediment leaves the property is in violation of this Development Code, regardless of whether construction activity is occurring or whether a permit has been issued.

- (a) Proper notice shall be considered a notice of the violation mailed via certified mail to the property owner's address on record with the Tax Assessor's office on the date of the violation.
- (b) Once proper notice has been issued, the property owner shall have five days to correct this violation.

### **DIVISION 1. SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL ORDINANCE.**

#### **Sec. 1002. Purpose and Intent.**

The purpose of this Division is to control erosion and sedimentation by requiring proper provisions for storm water runoff and the protection of soil surfaces during and after any land disturbing activity so as to promote the safety, public health and general welfare of the people of Harris County.

#### **Sec. 1003. Definitions Related to Erosion, Sedimentation and Pollution Control.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. For additional definitions that applicable to entire Development Code and not just this Division, see Article 13 (Glossary) of this Development Code.

Best Management Practices (BMP's)-Erosion and Sedimentation Control: These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the Manual for Erosion and Sediment Control in Georgia published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

Board (DNR): The Board of the Georgia Department of Natural Resources.

Buffer: The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat. (Stream Buffer)

Certified Personnel (GSWCC): A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission (GSWCC).

Commission (GSWCC): The Georgia Soil and Water Conservation Commission (GSWCC).

CPESC: Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc.

Department: The Georgia Department of Natural Resources (DNR).

Design Professional: A Professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by EnviroCert, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

Land Disturbance Permit: The authorization necessary to initiate and conduct a land-disturbing activity and to carry out the planned development of land and structures.

Director (EPD): The Director of the Environmental Protection Division or an authorized representative.

District (Conservation): The Pine Mountain Soil and Water Conservation District.

Division (EPD): The Environmental Protection Division (EPD) of the Department of Natural Resources.

EPD: The Environmental Protection Division of the Georgia Department of Natural Resources.

EPD Director: The Director of the Environmental Protection Division of the Georgia Department of Natural Resources.

Erosion, Sedimentation and Pollution Control Plan: A plan required by the Erosion and Sedimentation Act, O.C.G.A. chapter 12-7 that includes, as a minimum, protections at least as stringent as the State General Permit, best management practices, and requirements in Sec. 1006 of this Article.

Final Stabilization: All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final Stabilization applies to each phase of construction.

Metropolitan River Protection Act (MRPA): A state law referenced as O.C.G.A. 12-5-440 et seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Nephelometric Turbidity Units (NTU): Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed particles are present.

NOI: A Notice of Intent form provided by EPD for coverage under the State General Permit.

NOT: A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.

Operator: The party or parties that have: 1) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or 2) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

Properly Designed: Designed in accordance with the design requirements and specification contained in the Manual for Erosion and Sediment Control in Georgia (Manual) published by the Georgia Soil and Water Conservation Commission (GSWCC) as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the GSWCC up until the date of NOI submittal.

Qualified Personnel: Any person who meets or exceeds the education and training requirements of O.C.G.A. 12-7-19.

Soil & Water Commission: The State Soil and Water Conservation Commission.

Soil and Water Conservation District Approved Plan: An erosion, sedimentation and pollution control plan approved in writing by the Pine Mountain Soil and Water Conservation District.

Soil & Water District: The Pine Mountain Soil and Water Conservation District.

State General Permit: The National Pollution Discharge Elimination System general permit or permits for storm water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the State's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of O.C.G.A. 12-5-30.

Stream Buffer: See "Buffer"

Structural Erosion and Sedimentation Control Measures: Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sedimentation control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, and sediment traps, etc. Such practices can be found in the publication Manual for Erosion and Sediment Control in Georgia.

Vegetative Erosion and Sedimentation Control Measures: Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

1. Permanent seeding, sprigging or planting, producing long-term vegetative cover; or

2. Temporary seeding, producing short-term vegetative cover; or
3. Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication Manual for Erosion and Sediment Control in Georgia.

**Sec. 1004. Exemptions.**

**1004.01 Applicable exemptions.**

This article shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

- (a) Surface mining, as the same is defined in O.C.G.A. § 12-4-72, "The Georgia Surface Mining Act of 1968";
- (b) Granite quarrying and land clearing for such quarrying;
- (c) Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;
- (d) The construction of single-family residences, when such construction disturbs less than 1 acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than 1 acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. § 12-7-6 and this paragraph shall be enforced by the local issuing authority. Before any land-disturbing activity covered under this subsection begins, the property owner must provide at least 48 hours' notice, in writing, to the Community Development Department stating that a land-disturbing activity is about to begin and that all BMPs will be followed;
- (e) Agricultural operations as defined in O.C.G.A. § 1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;
- (f) Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in Section 1005.03(o), no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;
- (g) Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;
- (h) Any project involving less than one acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "state

waters" excludes channels and drainageways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainageway, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the local issuing authority from regulating any such project which is not specifically exempted by paragraphs (a), (b), (c), (d), (e), (f), (g), (l) or (j) of this section;

- (i) Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Georgia Department of Transportation (GDOT), the Georgia Highway Authority (GHA), or the state road and tollway authority (SRTA); or any road construction or maintenance project, or both, undertaken by Harris County; provided, however, that construction or maintenance projects of GDOT, GHA, or SRTA which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. § 12-7-7.1; except where the GDOT, the GHA, or the SRTA is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a NOI under the state general permit shall be submitted to the local issuing authority, and the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;
- (j) Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the public service commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the public service commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and
- (k) Any public water system reservoir.

**Sec. 1005. Minimum Requirements for Erosion, Sedimentation and Pollution Control Using Best Management Practices.**

**1005.01 General Provisions.**

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the article and the NPDES general permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this article shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution



control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of Sections 1005.02 and 1005.03 of this article. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this article and the NPDES general permit.

**1005.02 Minimum Requirements/BMPs.**

- (a) Best management practices (BMPs) as set forth in Sections 1005.02 and 1005.03 of this article shall be required for all land-disturbing activities. Proper design, installation, and maintenance of BMPs shall constitute a complete defense to any action by the director or to any other allegation of noncompliance with paragraph (b) of this subsection or any substantially similar terms contained in a permit for the discharge of storm water issued pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act". As used in this subsection, the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6(b).
- (b) A discharge of storm water runoff from disturbed areas where BMPs have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local issuing authority or of any state general permit issued by the division pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the director. This paragraph shall not apply to any land disturbance associated with the construction of single family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five acres.
- (c) Failure to properly design, install, or maintain BMPs shall constitute a violation of any land-disturbing permit issued by a local issuing authority or of any state general permit issued by the division pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act", for each day on which such failure occurs.
- (d) The director may require, in accordance with regulations adopted by the Board of Natural Resources, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.
- (e) The local issuing authority may set more stringent buffer requirements than stated in subsection 1005.03(o), in light of O.C.G.A. § 12-7-6(c).

**1005.03 Required Protections.**

The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. § 12-7-1 et seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and BMPs, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the Manual for Erosion and Sediment Control in Georgia published by the Georgia Soil and

Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

- (a) Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
- (b) Cut-fill operations must be kept to a minimum;
- (c) Development plans must conform to topography and soil type so as to create the lowest practical erosion potential;
- (d) Whenever feasible, natural vegetation shall be retained, protected and supplemented;
- (e) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
- (f) Disturbed soil shall be stabilized as quickly as practicable;
- (g) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
- (h) Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
- (i) To the extent necessary, sediment in runoff water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. § 12-7-1 et seq.;
- (j) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping surfaces of fills;
- (k) Cuts and fills may not endanger adjoining property;
- (l) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
- (m) Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
- (n) Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in Section 1005.02(b) of this article;
- (o) There is established a 25-foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director pursuant to O.C.G.A. § 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or along any ephemeral stream. As used in this provision, the term "ephemeral stream" means a stream that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year

round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow. Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to O.C.G.A. Part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the director as provided in this paragraph. The following requirements shall apply to any such buffer:

- (1) No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
- (2) The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:
  - a. Stream crossings for water lines; or
  - b. Stream crossings for sewer lines; and
- (p) Nothing contained in O.C.G.A. § 12-7-1 et seq. shall prevent any local issuing authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in section 1005.02 and 1005.03 of this article.
- (q) The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this article or the terms of the permit.

#### **Sec. 1006. Application and Permitting Process.**

Consideration of the effects of soil erosion, sedimentation and pollution the issuance of permits, approval of rezoning requests and review of subdivision plans is found under the "Other Permits" Division of Article 11 (Procedures and Permits) of this Development Code.

#### **Sec. 1007. Inspection and Enforcement.**

##### **1007.01 Inspection and Enforcement Responsibilities and Processes.**

- (a) Community Development Department will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion, sedimentation and pollution. Also, the local issuing authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state

general permit. Primary permittees shall be responsible for installation and maintenance of BMPs where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practice where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this article, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this article.

- (b) The local issuing authority must amend its ordinances to the extent appropriate within 12 months of any amendments to the Erosion and Sedimentation Act of 1975.
- (c) The Community Development Department shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this article, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
- (d) No person shall refuse entry or access to any authorized representative or agent of the local issuing authority, the commission, the district, or division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.
- (e) The district or the commission or both shall semi-annually review the actions of counties which have been certified as local issuing authorities pursuant to O.C.G.A. § 12-7-8(a). The district or the commission or both may provide technical assistance to any county for the purpose of improving the effectiveness of the county's erosion, sedimentation and pollution control program. The district or the commission shall notify the division and request investigation by the division if any deficient or ineffective local program is found.
- (f) The division may periodically review the actions of counties which have been certified as local issuing authorities pursuant to O.C.G.A. § 12-7-8(a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county certified pursuant to O.C.G.A. § 12-7-8(a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. § 12-7-7(e), the division shall notify the governing authority of the county in writing. The governing authority of any county so notified shall have 90 days within which to take the necessary corrective action to retain certification as a local issuing authority. If the county does not take necessary corrective action within 90 days after notification by the division, the division shall revoke the certification of the county as a local issuing authority.

**Sec. 1008. Penalties and Incentives.**

**1008.01 Failure to Obtain a Permit for Land-Disturbing Activity.**

If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this Article without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of Harris County.

**1008.02 Stop-Work Orders.**

- (a) For the first and second violations of the provisions of this article, Community Development Director or designee shall issue a written warning to the violator. The violator shall have 5 days to correct the violation. If the violation is not corrected within 5 days, the Community Development Director or designee shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the director or the local issuing authority shall issue an immediate stop-work order in lieu of a warning;
- (b) For a third and each subsequent violation, the director or the local issuing authority shall issue an immediate stop-work order; and;
- (c) All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
- (d) When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the local issuing authority or by the director or his or her designee, have been or are being discharged into state waters and where BMPs have not been properly designed, installed, and maintained, a stop work order shall be issued by the local issuing authority or by the director or his or her designee. All such stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop-work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion, sedimentation and pollution controls.

**1008.03 Bond Forfeiture.**

If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this article and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of Section 1006.02(g) of this article. The Board of Commissioners or designee may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

**1008.04 Monetary penalties**

Any person who violates any provisions of this article, or any permit condition of limitation established pursuant to this article, or who negligently or intentionally fails or refuses to comply

with any final or emergency order of the director issued as provided in this article shall be liable for a civil penalty not to exceed the dollar amount approved by DNR/EPD per day. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this article under county ordinances approved under this article shall be authorized to impose penalties for such violations not to exceed -the dollar amount approved by DNR/EPD for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

**Sec. 1009. Education and Certification.**

**1009.01 Education and Certification Requirements.**

- (a) Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, depending on their level of involvement with the process, as developed by the commission in consultation with the division and the Stakeholder Advisory Board created pursuant to O.C.G.A. § 12-7-20.
- (b) For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion, sedimentation and pollution control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbing site or multiple site within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.
- (c) Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this article.
- (d) If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of O.C.G.A. § 12-7-19(b)(1), then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in O.C.G.A. § 12-7-19(b)(4) and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

**Sec. 1010. Administrative Appeal.**

**1010.01 Administrative Remedies.**

The suspension, revocation, modification or grant with condition of a permit by the Community Development Department, upon finding that the holder is not in compliance with the approved erosion, sedimentation and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to appeal this administrative decision to the Board of Commissioners within 30 days after receipt by the local issuing authority of written notice of appeal.

**1010.02 Administrative Appeal.**

Any person, aggrieved by a decision or order of the local issuing authority after exhausting his administrative remedies, shall have the right to appeal de novo to the Superior Court of Harris County in accordance with the "Appeals" Division of Article 11 (Procedures and Permits).

**Sec. 1011. Liability.**

**1011.01 Liability Standards.**

- (a) Neither the approval of a plan under the provisions of this article, nor the compliance with provisions of this article shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the local issuing authority or district for damage to any person or property.
- (b) The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this article or the terms of the permit.
- (c) No provision of this article shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rule and regulations promulgated and approved thereunder or pollute any waters of the state as defined thereby.

**DIVISION 2. STORMWATER MANAGEMENT.**

**Sec. 1012. Purpose and Intent.**

This division provides requirements for application of stormwater management measures to new developments and maintenance of existing stormwater management measures and facilities.

**Sec. 1013. Applicability and Exemptions.**

**1013.01 Applicability.**

- (a) An adequate drainage system, designed in accordance with this section, including necessary ditches, pipes, culverts, drains, inlets, bridges, etc., shall be provided for the proper drainage of all surface water.
- (b) All persons proposing development or construction in the county shall prepare a stormwater management plan. The stormwater management plan shall address the requirements of this section, and the on-site drainage including lot-to-lot drainage and off-site impacts. The stormwater management plan shall also meet the minimum standards of the current edition of the "Georgia Stormwater Management Manual." No final subdivision plat shall be approved and no development or building permit shall be issued until and unless the stormwater management plan has been reviewed and approved by the Community Development Department Director, except as exempt below.

**1013.02 Exemptions.**

The following development activities are exempt from the provisions of this section and the requirement to provide a stormwater management plan:

- (a) Agricultural land management.
- (b) Additions or modifications to existing single-family detached dwellings.

- (c) New construction of single-family detached dwellings on lots that are not included in a major subdivision.

**Sec. 1014. Stormwater Management Facilities.**

**1014.01 Development Plan Requirements.**

All development plans shall require a hydrology study certified by a registered design professional. If detention has been waived or provided in a previous phase or unit of development then a letter from the design professional with supporting documents shall be provided.

**1014.02 Standards for Stormwater Management.**

- (a) All stormwater detention facilities shall be designed to detain the 1-year storm runoff, for the area draining to the pond, for 24 hours. For the project, this volume, called the channel protection volume, shall be equal to or greater than the 1-year storm runoff volume from the project. In addition, these facilities shall control the peak flow rates associated with storms having 2-year, 5-year, 10-year, and 25-year return frequencies so that flows from the developed site do not exceed those associated with predevelopment conditions at the project boundary nor increase the peak flows downstream from the project to the point in the drainage basin where the project area is 10% of the total basin. Where adverse impacts occur during the 100-year storm, the 100-year storm shall also be regulated.
- (b) To eliminate detention facilities for stormwater, a registered design professional shall evaluate the basin utilizing the ten percent rule as defined in the current edition of the "Georgia Stormwater Management Manual." The design professional shall demonstrate that post-developed peak flows at the ten percent point of analysis are not increased for all storm events up to and including the 25-year storm. Where adverse effects occur for the 100-year storm, the 100-year storm shall also be regulated.
- (c) Non-detained, post development runoff shall leave the project site as sheet flow and will not have an adverse impact on downstream properties.
- (d) As part of the hydrological study, the design professional shall complete a downstream analysis in accordance with the current edition of the "Georgia Stormwater Management Manual." Consideration shall be given to the flow capacity of downstream drainage structures from the property line up to and including the 10% point of analysis. If the downstream system is inadequate, the developer is required to either improve the downstream drainage structure or provide additional storage in the detention facility.
- (e) In approved cases, damming a natural basin with minimal clearing may provide the detention. In such cases:
  - (1) The required discharge structure opening must be large enough to prevent stoppage from leaves and other debris naturally occurring. Also, the volume should be adequate to account for natural growth of vegetation.
  - (2) Documentation shall be provided for the natural drainage way that it is not jurisdictional state waters or for an approved Georgia EPD Buffer Variance Application.
  - (3) Documentation shall also be provided showing compliance with the Clean Water Act Section 404, permitting requirements.



- (4) Fencing of natural ponds shall be considered by the Public Works Director on a case-by-case basis.

**1014.03 Stormwater Detention Facility Location Criteria.**

For purposes of these regulations, a detention facility shall be deemed to consist of the area within the maximum design ponding limits, the dam (if one) including all embankment slopes and wall footings (if applicable), primary and emergency outlet works, any drainage and access easements, and any energy dissipation devices.

- (a) In residential subdivisions, any required retention and/or detention areas shall be incorporated into the common areas of the residential development or incorporated into an individually platted parcel, which the homeowners association shall be responsible for its maintenance and continuing operation.
- (b) In nonresidential subdivisions, the detention facility may be located on a separate lot and owned by a property owners' association, which shall be responsible for its maintenance and continuing operation; or located on each lot within the subdivision and constructed when the lot is developed.
- (c) In multi-family and nonresidential development projects, separate detention facilities shall be provided for each development. The owner of the property shall be responsible for maintenance and continuing operation of the facility.
- (d) The county may approve stormwater detention facilities serving 2 or more developments, provided that private ownership of the facilities and provisions for their perpetual maintenance and continuing operation are clearly established in a manner acceptable to the county attorney.
- (e) No portion of any detention facility shall disturb any required (as opposed to voluntary) buffer not otherwise authorized without first obtaining the required approvals.

**1014.04 Stormwater Detention Facility Easement Requirements.**

- (a) An easement at least 25 feet in width shall be required to provide access to all detention facilities from a public street. This easement shall be cleared, grubbed and/or graded so that it can be utilized by rubber-tired construction vehicles. The easement shall include a 15-foot access drive graded to maximum 15% grade. Its location shall be such as to minimize the amount of grading required.
- (b) Every normally dry detention basin or detention facility shall be completely enclosed within a drainage easement. The drainage easement shall extend at least 10 feet beyond the limits of the detention facility and related facilities including fencing.

**1014.05 Stormwater Detention Facility Design Considerations.**

Permanent detention facilities, when required, shall be designed so that the following standards shall apply:

- (a) The location and size of all proposed stormwater improvements shall be designed in accordance with and meet all standards relating to stormwater management of this Development Code and the current edition of the "Georgia Stormwater Management Manual."

- (b) Stormwater detention facilities providing for the storage and controlled release of runoff shall be required for any development activity that will increase the peak rate of discharge by 1 cubic foot per second or more for the 10-year frequency storm at any point of discharge from the property. All stormwater detention facilities shall be designed to control the runoff volumes associated with storms having 2-year, 5-year, 10-year and 25-year frequencies and safe overflow for 100-year storm.
- (c) The structure shall be constructed such that trash and pollutants are prevented from exiting the pond.
- (d) The reservoir routing method or an equivalent method shall be used in sizing detention ponds. (The bowstring method is not acceptable.)
- (e) An emergency overflow device (which does not include the throttling device) for a detention pond shall be designed to pass the 100-year peak developed inflow without overtopping the dam.
- (f) Pond discharge locations shall be in defined drainage ditches. The developer's engineer shall include in the hydrology study a discussion of existing conditions downstream of the detention pond and an explanation of how downstream property owners will not be adversely affected by the "concentrated" runoff from the project boundary up to and including the ten percent point of analysis.
- (g) The steepest fill slopes shall be 3:1. Cut slopes shall be no steeper than 2:1.
- (h) The top of the berm shall be a minimum of ten feet wide when 3:1 slopes are used.
- (i) Slopes shall be stable under all conditions including maintenance.
- (j) Full and living coverage of an approved permanent grass or ground cover devoid of noxious weeds shall be provided.
- (k) The bottom of the pond shall be firm enough to be maintained by mechanical means.
- (l) Fences are required around the perimeter of a detention facility except as provided by paragraph (c) of this subsection.
  - (1) The fence shall be commercial gauge chain link fence of 6 feet in height with a 12-foot wide two-section gate aligned with the access easement. A 10-foot wide clear area shall be provided outside of the fenced area.
  - (2) The fence shall be constructed within the drainage easement for a detention pond and enclose the outlet piping.
  - (3) The Public Works Director may waive the fencing requirement if the slope of the interior side slopes of the detention facility is no more than 3:1, and the 100-year ponding depth is less than 4 feet.
  - (4) The Community Development Department may waive the fencing requirement in commercial developments when the detention facility is located more than 500 feet from a residential district, or in instances of unusual topography.

**1014.06 Alternate Structural Stormwater Controls.**

- (a) All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the current edition of the "Georgia Stormwater Management

Manual." All structural stormwater controls must be designed appropriately to meet their intended function. For other structural stormwater controls not included in the current edition of the "Georgia Stormwater Management Manual," or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from the county before being included in the design of a stormwater management system. In addition, if hydrologic or topographic conditions, or land use activities warrant greater control than that provided by the minimum control requirements, the county may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of stormwater runoff or increased nonpoint source pollution loads created on the site in question.

- (b) Applicants shall consult the current edition of the "Georgia Stormwater Management Manual" for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

#### **1014.07 Modifications for Off-Site Facilities**

- (a) The stormwater management plan for each land development project shall provide for stormwater management measures located on the site of the project, unless provisions are made to manage stormwater by an off-site or regional facility. The off-site or regional facility must be located on property legally dedicated for the purpose, must be designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices and there must be a legally-obligated entity responsible for long-term operation and maintenance of the off-site or regional stormwater facility. In addition, on-site measures shall be implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site facility.
- (b) A stormwater management plan must be submitted to the Community Development Department that shows the adequacy of the off-site or regional facility. To be eligible for a modification, the applicant must demonstrate to the satisfaction of the public works department that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:
  - (1) Increased threat of flood damage to public health, life, and property;
  - (2) Deterioration of existing culverts, bridges, dams, and other structures;
  - (3) Accelerated streambank or streambed erosion or siltation;
  - (4) Degradation of in-stream biological functions or habitat; or
  - (5) Water quality impairment in violation of state water quality standards, and/or violation of any state or federal regulations.

#### **Sec. 1015. Maintenance and Inspection of Stormwater Facilities and Practices.**

Stormwater management facilities and practices must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the documents approved as part of the permitting process pertaining to those facilities/practices. If no such documents were required to be

approved when the facility/practice was installed, the facility/practice must be maintained in good working condition.

**1015.01 Responsibility for Maintenance.**

A stormwater management facility or practice shall be inspected on a periodic basis by the owner and/or operator of the subject property or other responsible person named in the applicable stormwater management facility maintenance agreement or plan. Those facilities which are subject to an approved maintenance agreement shall be inspected in accordance with that agreement. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the Community Development Department may notify the person responsible for carrying out the maintenance, or the property owner on which the facility exists, by registered or certified mail. The notice shall specify the need to comply with the agreement, the plan or, in the absence of an agreement or approved plan, standard maintenance practices and shall specify the time within which such measures shall be completed. If the responsible person fails or refuses to meet the requirements of the maintenance agreement or notice as provided herein, the stormwater department may correct the violation as provided in subsection (e) of this section.

**1015.02 Local Jurisdiction Inspection Authority.**

Inspection programs by the Community Development Department may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater management facilities; and evaluating the condition of stormwater management facilities and practices.

**1015.03 Maintenance Records Requirements.**

Parties responsible for the operation and maintenance of a stormwater management facility shall provide records of all maintenance and repairs to the stormwater department when requested.

**1015.04 Failure to Maintain.**

If a responsible person fails or refuses to meet the requirements of the maintenance agreement or the standards contained herein, the Community Development Department, after 10 days' written notice (except that, in the event the violation constitutes an immediate danger to public health or public safety, immediate action may be taken), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. The Community Development Department may assess the owner of the facility for the cost of repair work which shall be a lien on the property, and may be placed on the ad valorem tax bill for such property and collected in the ordinary manner for such taxes.

**1015.05 Stormwater management facility maintenance agreement**

(a) Prior to the issuance of any permit for a land development activity requiring a stormwater management facility or practice hereunder and for which the County requires ongoing maintenance, the applicant or owner of the site must, unless an on-site stormwater management facility or practice is dedicated to and accepted by the County, execute an

inspection and maintenance agreement, and/or a conservation easement, if applicable, that shall be binding in perpetuity on all subsequent owners of the site.

- (b) The inspection and maintenance agreement, if applicable, must be approved by the County prior to plan approval, and recorded in the deed records upon final plat approval.
- (c) The inspection and maintenance agreement shall identify by name or official title the person(s) responsible for carrying out the inspection and maintenance. Responsibility for the operation and maintenance of the stormwater management facility or practice, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements shall designate for each portion of the site, the entity to be responsible in perpetuity for its inspection and maintenance.
- (d) The terms of the maintenance agreement shall provide for the County to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this article is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this article.

### **DIVISION 3. DAMS**

#### **Sec. 1016. Dams.**

Any land disturbing activity that involves a property which is proposed to contain a dam shall comply with the provisions of this Division.

##### **1016.01 Existing Dams.**

Existing dams that are located on a project site and will remain after construction is completed shall comply with the provisions of this article and all referenced articles as if they were new dams.

##### **1016.02 Existing Category I Dams.**

Existing Category I Dams shall meet applicable state requirements and shall comply with the Georgia Safe Dams Act.

##### **1016.03 Existing Category II Dams.**

When an existing Category II dam may be reclassified to a Category I dam because of a proposed development downstream of the dam, the following shall be provided by the developer for review by the Georgia Safe Dams Program.

- (a) Location of the Category II dam and the proposed development; and
- (b) A surveyed cross-section of the stream valley at the location of the proposed development including finished floor elevations; and
- (c) A dam breach analysis using the Dambreak computer model to establish the height of the flood wave in the downstream floodplain. The Dambreak modeling shall be completed in accordance with the Safe Dams Program Quality Assurance Program by a qualified registered engineer.

**1016.04 New Dams Which Become Subject to the Requirements of the Georgia Safe Dams Act and Rules for Dam Safety.**

Dams proposed to be 25 feet or more in height or proposed to have an impounding capacity of 100 acre-feet or more at maximum water storage elevation shall be subject to the following:

- (a) The developer of any new dam in which development exists within the proposed breach zone shall be subject to the requirements of the Georgia Safe Dams Act and Rules for Dam Safety adopted by the Georgia Department of Natural Resources. The developer shall obtain necessary approvals and permits from the Environmental Protection Division of the Georgia Department of Natural Resources for the project and the dam prior to securing a Land Disturbance Permit from the Community Development Department. The developer of any new dam as to which development does not exist within the proposed breach zone shall submit construction plans to Harris County for review of the project and the dam prior to securing a Development Permit from the Department.
- (b) If the developer elects to construct the new dam in accordance with the design standards for new dams as contained in the Rules for Dam Safety, then new development shall be permitted within the dam breach zone. However, the dam shall meet the design standards for new dams as contained in the Rules for Dam Safety if development currently exists or is proposed in the dam breach zone.
- (c) If the developer elects not to construct the new dam to the design standards for new dams as contained in the Rules for Dam Safety, then a dam breach analysis for the dam shall be submitted along with the construction plans for review prior to securing a Land Disturbance Permit from the Community Development Department. The design engineer shall utilize the computer model entitled "DAMBRK" for the dam breach analysis.
- (d) Should the new dam not meet the design standards for new dams as contained in the Rules for Dam Safety, then only the following uses and structures shall be permitted within the dam breach easement:
  - (1) Agriculture which requires no structures for human habitation within the dam breach zone including forestry, livestock raising, and agricultural and forestry access roads.
  - (2) Fences.
  - (3) Signs in accordance with Article 7 of this Development Code.
  - (4) Roads, driveways and parking areas.
  - (5) Utility poles, towers, pipelines, water treatment outfalls and facilities, or other similar facilities and structures.
- (e) For any new dam that is proposed not to meet the design for new dams as contained in the Rules for Dam Safety, the developer shall obtain a dam breach easement, recorded with the Clerk of Superior Court, from any offsite property owner where it is proposed for the dam breach zone to extend off the property where the dam is being constructed. The developer shall also cause a dam breach easement to be recorded upon the property being developed.
- (f) Prior to recording of a Final Plat or issuance of a Certificate of Occupancy, as appropriate, an as-built certification from a registered professional engineer shall be submitted to the Community Development Department. The certification shall state that the dam is

constructed in accordance with the provisions of these regulations as well as the authorized construction plans. If the project is for the development of a subdivision, the developer shall also establish a legal entity, acceptable to Harris County, such as a mandatory Property Owner's Association, at time of recording of the Final Plat, responsible for the maintenance of the dam and its impoundment.

- (g) In addition to State requirements, a new dam shall be on a single of land so that it is owned and maintained by a single owner or entity.

**1016.05 New Dams Subject to Regulation by Harris County.**

Dams proposed to be 9 feet or more in height, but less than 25 feet in height, in combination with an impounding capacity proposed to be 20 acre-feet or more at maximum water storage elevation, but less than 100 acre-feet, shall be subject to the following:

- (a) If the developer elects not to construct the new dam to the design standards for new dams as contained in the Rules for Dam Safety, then a dam breach analysis for the dam shall be submitted with the construction plans for review and authorization prior to securing a permit from the Community Development Department. The design engineer shall utilize the computer model entitled "DAMBRK" for the dam breach analysis.
- (b) Should the new dam not meet the design standards for new dams as contained in the Rules for Dam Safety, then only the following uses and structures shall be permitted within the dam breach zone:
  - (1) Agriculture which requires no structures for human habitation within the dam breach zone including forestry, livestock raising, and agricultural and forestry access roads.
  - (2) Fences.
  - (3) Signs in accordance with Article 6 of this Development Code.
  - (4) Roads, driveways and parking areas.
  - (5) Utility poles, towers, pipelines, water treatment outfalls and facilities, or similar facilities and structures.
- (c) If the developer elects to construct the new dam in accordance with the design standards for new dams as contained in the Rules for Dam Safety, then new development shall be permitted within the dam breach zone. However, the dam shall meet the design standards for new dams as contained in the Rules for Dam Safety if development currently exists or is proposed in the dam breach zone.
- (d) Construction plans for new dams defined herein shall be submitted to the Community Development Department for review for the project and the dam prior to securing a permit from the Department.
- (e) For any dam that is proposed not to meet the design standards for new dams as contained in the Rules for Dam Safety, the developer shall obtain a dam breach easement, recorded with the Clerk of Superior Court, from any offsite property owner where it is proposed for the dam breach zone to extend off the property where the dam is being constructed. The developer shall also cause a dam breach easement to be recorded upon the property being developed.

- (f) Prior to recording of a Final Plat or issuance of a Certificate of Occupancy, as appropriate, an as-built certification from a registered professional engineer shall be submitted to the Community Development Department. The certification shall state that the dam is constructed in accordance with the provisions of these regulations as well as the authorized construction plans. If the project is for the development of a subdivision, the developer shall also establish a legal entity, acceptable to Harris County, such as a mandatory Homeowners Owner's Association, at time of recording of the Final Plat, responsible for the maintenance of the dam and its impoundment.
- (g) In addition to State requirements, a new dam shall be on a single parcel of land so that it is owned and maintained by a single owner or entity.



## Article 11. Procedures and Permits

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## **Article 11. Procedures and Permits**

Article 11 describes the process through which a rezoning or special use may be approved on a property, the approval process for construction of subdivisions and other land development projects, the approval process for other permits required by this Development Code, and the process and procedures for appeals, including variances.

### **Sec. 1101. Land Development Process and Procedures.**

The following presents a summary of the plans and procedures involved in the land development approval and construction regulation process. In all cases, consult the specific requirements and procedures detailed under the various Divisions of this Article.

#### **1101.01 County approvals, In general.**

- (a) All County approvals that are required for the use of land and structures and for the location and operation of businesses shall be obtained by the applicant and transmitted by applicant with request for a building permit, zoning change, variance or other development permit or plan approval. 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 obtained by the applicant.
- (b) Except as otherwise required by Georgia State Law, no local action shall be taken and no public hearings shall be held on any use request, permit, zoning change, master plan approval, preliminary or final plat approval, variance or other development permit or plan approval until all county and state taxes and other assessments due on the subject property have been paid in full and until all necessary approvals required for the use of the land and structures and for the location and operation of businesses and industries and any other requirements for said request have been granted by the responsible issuing authority and have been transmitted by the applicant with his request to the County.

#### **1101.02 Zoning Changes, In general.**

- (a) If a property is not appropriately zoned, a request for rezoning or approval of a Special Use must be approved prior to development or construction.
- (b) A concept plan is required for zoning changes as described in Section 1106.02.

#### **1101.03 Minor Subdivisions.**

Approval of a minor subdivision shall be conducted as follows:

- (a) Submission of minor subdivision plat approval shall be made to the Community Development Director, or designee, for administrative review and authorization to record the plat with the Clerk of Superior Court. Upon referral by the Director, the Planning Commission may review and authorize recordation of the plat. There shall be a fee payable in advance for review of the plat in such amount as in accordance with the current schedule approved by the Board of Commissioners for the Community Development Department.
- (b) Upon approval of a Minor Subdivision Plat by the Community Development Director, the subdivider shall be responsible for recording the subdivision plat with the Clerk of Superior Court of Harris County

- (c) As applicable, deeds and easement agreements for all public rights-of-way and other lands or facilities to be dedicated to Harris County are forwarded to the Board of Commissioners for acceptance. In the case of minor subdivisions, the road acceptance process as described in Section 1117 to turn roads over to the county must be followed.
- (d) Lots may not be sold, and building permits and driveway permits on the lots may not be obtained, prior to recording of a Minor Subdivision plat.

**1101.04 Major Subdivisions.**

Permitting and construction of a major subdivision will be conducted as follows:

- (a) Project Approval is granted upon review and approval of a Preliminary Subdivision Plat by the Planning Commission.
- (b) A Land Disturbance Permit is issued by the Community Development Department based on review and approval of development plans for subdivision construction by all affected departments and agencies. Receipt and approval by the Public Works Director (for streets and drainage) and the Water Works Director (for water and sewer) of accurate descriptions of the as-built condition of public improvements is required in order to allow filing of a Final Plat.
- (c) Approval of a Final Subdivision Plat by the Planning Commission will authorize recording of the plat with the Clerk of the Superior Court. The owner or applicant shall be responsible for the recording of such final plat in the office of the Clerk of the Superior Court.
- (d) Deeds and easement agreements, as applicable, for all public rights-of-way and other lands or facilities to be dedicated to Harris County are forwarded to the Board of Commissioners for acceptance in accordance with requirements set forth in this Development Code.
- (e) Lots may not be sold, and building permits and driveway permits on the lots may not be obtained prior to recording of the Final Plat.
- (f) At the end of the maintenance period, all public improvements will be inspected by the Community Development Department. After the developer has made any required repairs, public acceptance of the improvements shall be issued by the Public Works Department.

**1101.05 Multi-family and Commercial/Industrial Projects.**

- (a) Project approval is granted upon review and approval of a Preliminary Site Plan for the project by the Planning Commission.
- (b) A Land Disturbance Permit, when required, is issued by the Community Development Department based on review and approval by all affected departments and agencies of development plans for construction of the project.
- (c) A Building Permit is issued by the Community Development Department based on review and approval of architectural plans. Buildings falling under the authority of the State Fire Marshal shall be approved by the State Fire Marshal prior to issuance of the building permit.
- (d) Driveway and sign permits are issued by the appropriate departments.
- (e) Receipt by the Public Works Director (for streets and drainage) and the Water Department Director (for water and sewer) of accurate surveys of the as-built condition of all public improvements is required in order to authorize issuance of a Certificate of Occupancy.

- (f) Occupancy of the building is authorized by the Community Development Director or designee based on final inspection and issuance of a Certificate of Occupancy.

**Sec. 1102. Application Intake and Processing.**

**1102.01 Application Submission Process.**

An application for any permit or approval under this Article or for a hardship variance or special exception variance under the provisions of this Development Code will first be considered as follows:

- (a) If the application is for a project that qualifies as a Development of Regional Impact (DRI) and is the first request for County action or is a revision to a previous DRI, refer to Section 1108 of this Article for details and procedures.
- (b) If the application is for approval of a minor subdivision plat, refer to Section 1101.03 and 1109 for the applicable procedures. For a major subdivision plat, see Section 1110.
- (c) If the application is for any other type of approval or permit, refer to the appropriate sections of this Article or of Article 3 (Restrictions on Particular Uses) or other applicable provisions of this Development Code for procedures pertinent to the request.

**1102.02 Pre-Application Review Procedure.**

Whenever the subdivision of a tract of land is proposed, the subdivider is urged to consult early and informally with the Community Development Department in accordance with Section 1110.

**1102.03 Responsible Parties for Application Processing.**

The Community Development department shall maintain a guide illustrating Departments, directors and others responsible for receiving, administering, reviewing, approving and permitting various applications under this Development Code. This guide is only intended for convenience to illustrate responsible parties; the details of the text of this Development Code should be relied upon in all cases.

**1102.04 Schedules and Fees.**

Fees for appeals and applications for amendments to this Development Code shall be in accordance with the current schedule approved by the Board of Commissioners for the Community Development Department and shall be payable by an individual prior to action by the Community Development Department to initiate the proceeding so requested.

**DIVISION 1. APPROVAL OF A TEXT AMENDMENT OR ZONING CHANGE.**

**Sec. 1103. Text Amendment or Adoption of Development Code.**

**1103.01 Initiation of Text Amendment.**

- (a) Changes made to standards contained within the Development Code are referred to in this Article as text amendments. These changes include amendments to this Development Code or adoption of a new Development Code authorized by a zoning decision made only after compliance with the procedures set forth in this section.
- (b) An amendment to the text may be made by the Board of Commissioners. A proposed amendment to the text may be initiated by the Board of Commissioners, Planning



Commission or by any person who owns property within the zoning jurisdiction of the County.

**1103.02 Public Hearing and Notice Requirements.**

- (a) Before adopting any change to the text of the Development Code, the Board of Commissioners shall hold conduct a public hearing in accordance with Section 1105. Prior to the Board of Commissioners public hearing, the proposed text amendment shall be presented for public comment at a Planning Commission public hearing.
- (b) Notice of a Planning Commission or Board of Commissioners hearings shall be in accordance with Section 1104.04(a).
- (c) No posting of signs or mailing of notification letters is required.

**Sec. 1104. Zoning Changes (Rezoning or Special Use Approval).**

**1104.01 Initiation of Rezoning or Special Use.**

- (a) Each proposed amendment to the official zoning map shall be initiated by filing an application with the Community Development Department on a form furnished by the Department.
- (b) Applications for special exceptions for uses in zoning districts denoted by an "SU" in Table 2-1 of Article 2 shall be initiated by the filing of an application for special use permit with the Community Development Department on a form furnished by the Department.
- (c) Unless initiated by the Board of Commissioners or by the Planning Commission, all proposed map amendments shall be submitted by the owner of such property or the authorized agent of the owner. An authorized agent shall have written authorization from the property owner, and such authorization shall be notarized and attached to the application.

**1104.02 Filing Deadlines.**

- (a) Applications for proposed amendments shall be submitted in accordance with a schedule adopted annually by the Board of Commissioners. Said schedule shall provide that each application for a proposed amendment shall be submitted at least 50 days prior to the date on which it is to be considered by the Board of Commissioners as related to the zoning district requested and the size of the property affected. A fee shall not be charged for proposed amendments initiated by members of the Board of Commissioners or by members of the Planning Commission.
- (b) Applications shall be submitted in accordance with a schedule adopted annually by the Board of Commissioners. The Planning Commission and the Board of Commissioners shall hold public hearings in accordance with the adopted schedule.
- (c) An incomplete rezoning or special use application will not be accepted.

**1104.03 Withdrawal of Rezoning or Special Use Application.**

- (a) Withdrawal prior to advertising.

If an application has not been advertised for public hearing, a written request for withdrawal with the reason for the request shall be made to and accepted by the Community Development Director. No refunds of petition fees will be made.

(b) Withdrawal after advertising.

An applicant shall not be permitted to withdraw an application for a proposed amendment after the legal advertising for said proposed amendment, as required by this Development Code, shall have first appeared, unless such withdrawal is made with the approval of the Board of Commissioners. If requested by the applicant, the Board of Commissioners shall determine whether the withdrawal shall be subject to the 24-month interval before refiling, as described in Section 1105.04.

**1104.04 Public Hearing and Notice Requirements.**

(a) Legal Notice.

(1) Notice of public hearings for Zoning Decisions. All applications pertaining to zoning decisions as defined in O.C.G.A. 36-66-3(4) shall require a public hearing preceded by publication of a public hearing notice within a newspaper of general circulation within Harris County and shall state the time, place and purpose of the hearing and shall also include the location of property that is the subject of the zoning action, the present zoning district of said property, and the proposed zoning district of said property. Such notice shall be published at least 15 days, but not more than 45 days prior to the date of the hearing.

(2) Notice of public hearings before Quasi-Judicial Officers, Boards, or Agencies. All applications before quasi-judicial officers, boards, or agencies as defined in O.C.G.A. 36-66-3(1.1) shall require a public hearing preceded by publication of a public hearing notice within a newspaper of general circulation within Harris County and shall state the time, place and purpose of the hearing and shall also include the location of the property that is the subject of the hearing, the present zoning district of said property, and the nature of the proposed action. Such notice shall be published at least 30 days prior to the date of the hearing.

(b) Public Hearing Signs Posted for Zoning Decisions.

When an application has been made for a proposed zoning decision as defined in O.C.G.A. 36-66-3(4), including zoning change (rezoning or special use), the applicant shall post signs on the subject property as follows:

(1) Said sign shall be located on private property at or near the margin of the public right-of-way upon which said property abuts or depends upon for access.

(2) The signs shall be placed on the property at 500 foot intervals. If the property in question has a 500 foot or less frontage, only 1 sign is required. If the property fronts on more than 1 public right-of-way, 1 sign shall be required for each right-of-way.

- (3) For a rezoning application, the sign shall read as follows:

|  |                           |
|--|---------------------------|
| <b>NOTICE TO REZONE</b>  |                           |
| Name of Applicant or Owner:  | Present Zoning:           |
| Address:   | Proposed Zoning:          |
| Telephone:   | Proposed Use of Property: |
| Date and Time of Planning Commission Hearing:  |                           |
| Location of Hearing:   |                           |
| Date and Time of Board of Commissioners Hearing:   |                           |
| Location of Hearing:   |                           |
| Additional Information: Harris County Department of Community Development,<br>706-628-4700 |                           |

- (4) For a special use application, the sign shall read as follows:

|  |  |
|--|--|
| <b>NOTICE OF SPECIAL USE APPLICATION</b>   |  |
| Name of Applicant or Owner:  |  |
| Address:   |  |
| Telephone:   |  |
| Proposed Use of Property:  |  |
| Date and Time of Planning Commission Hearing:  |  |
| Location of Hearing:   |  |
| Date and Time of Board of Commissioners Hearing:   |  |
| Location of Hearing:   |  |
| Additional Information: Harris County Department of Community Development,<br>706-628-4700 |  |

- (5) Said sign shall be of wood, metal, or plastic, with minimum dimensions of 48 inches vertical by 96 inches horizontal in size, and the lettering thereon shall be black letters on a white background and the letters shall be at least 3 inches in height.
- (6) The applicant shall notify the Community Development Department in writing no less than 15 days prior to the first scheduled public hearing that the sign(s) has been erected and where it is located. Failure to do so may require the public hearing be rescheduled.
- (7) The sign(s) shall contain no additional advertisement or words other than those specified herein.

- (8) The sign(s) shall remain posted until final action has been taken by the Board of Commissioners. The sign(s) shall be removed by the applicant within 10 days after final action by the Board of Commissioners.
- (c) Public Hearing Signs Posted for Hearings before Quasi-Judicial officers, boards, or agencies.
- When an application has been made that requires a hearing before quasi-judicial officers, boards, or agencies as defined in O.C.G.A. 36-66-3(1.1), the applicant shall post signs on the subject property as follows:
- (1) Said sign shall be located on private property at or near the margin of the public right-of-way upon which said property abuts or depends upon for access.
  - (2) The signs shall be placed on the property at 500 foot intervals. If the property in question has a 500 foot or less frontage, only 1 sign is required. If the property fronts on more than 1 public right-of-way, 1 sign shall be required for each right-of-way.
  - (3) Said sign shall be of wood, metal, or plastic, with minimum dimensions of 48 inches vertical by 96 inches horizontal in size, and the lettering thereon shall be black letters on a white background and the letters shall be at least 3 inches in height.
  - (4) The applicant shall notify the Community Development Department in writing no less than 30 days prior to the first scheduled hearing that the sign(s) has been erected and where it is located. Failure to do so may require the public hearing be rescheduled.
  - (5) The sign(s) shall contain no additional advertisement or words other than those required to describe the nature of the application.
  - (6) The sign(s) shall remain posted until final action has been taken by the applicable quasi-judicial official, board or agency. The sign(s) shall be removed by the applicant within 10 days after final action by the applicable official, board or agency.
- (d) Letters to Abutting Property Owners:

Where application is made for a proposed amendment that will require a zoning decision as defined in O.C.G.A. 36-66-3(4), the Community Development Department shall notify, by regular mail, the owners, as shown by Harris County tax records, of property that abuts the property that is the subject of the proposed amendment. Such notice shall be mailed at least 15 days prior to the date of the Planning Commission public hearing and shall include a description of the proposed amendment and the dates, times, and places of the public hearings before the Planning Commission and the Board of Commissioners. When an application has been made that requires a hearing before quasi-judicial officers, boards, or agencies as defined in O.C.G.A. 36-66-3(1.1), the Community Development Department shall provide notice by mail at least 30 days prior to the required hearing.

#### **1104.05 Standards for Consideration of a Zoning Change (Rezoning or Special Use).**

The Official Zoning Map of Harris County may be amended from time to time and a Special Use may be approved on a property by the Board of Commissioners under the procedures in this Development Code. In addition, changes in the conditions of approval pertaining to a specific rezoning or Special Use approval must also be approved by the Board of Commissioners following the procedures in this Development Code. However, no Amendment or Special Use approval shall become effective unless it has first been submitted to the Harris County Planning Commission for review and recommendation, as provided in this Article.

(a) Zoning Standards.

The Planning Commission and Board of Commissioners shall consider the following standards in balancing the county's interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property in its review of a rezoning application:

- (1) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent or nearby property;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (3) Whether the property affected by the zoning decision has a reasonable economic use as currently zoned;
- (4) Whether the zoning decision will result in a use which will or could cause a safety concern or an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
- (5) Whether the zoning decision conforms with the policy and intent of the Harris County Comprehensive Plan; and
- (6) Whether there are other existing or changing conditions that may affect the use and development of the property in question and support either approval or disapproval of the zoning proposal.

(b) Special Use Criteria.

The Planning Commission and Board of Commissioners, in making its decision, shall consider the special use criteria in its review of the special use permit being sought by the applicant. In addition to the criteria listed in this section, when applicable, the criteria listed in Section 341.09 (a)(6) (Telecommunication Facilities), Section 509.08 (Planned Senior Housing Developments) and other specific use regulations in this Development shall be considered for specific types of special use permits.

- (1) Whether the zoning decision conforms with the policy and intent of and the Comprehensive Plan;
- (2) Whether the zoning decision will permit a use that is compatible with the use and development of adjacent or nearby property;
- (3) Whether the zoning decision will adversely affect the existing use of adjacent or nearby property;
- (4) Whether the zoning decision will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
- (5) Whether screening will be needed to protect adjacent uses from any negative impacts of the proposed use;
- (6) Whether outdoor lighting will negatively impact adjacent uses;
- (7) Whether the hours and manner of operation of the proposed use are compatible with surrounding uses;

- (8) Whether ingress and egress to the property reduce negative impacts of the proposed use or enhance safety;
- (9) Whether off-street parking spaces will be adequate and properly located to reduce any negative impact on surrounding property uses;
- (10) Whether there are any negative environmental impacts which should be considered, for example, topography, special geological features, soil, water runoff, air pollution, water pollution or contamination, wetlands, etc.; and
- (11) Whether there are other existing conditions that may affect the use and development of the property in question and support either approval or denial of the zoning decision.

**Sec. 1105. Conducting a Public Hearing.**

**1105.01 Procedures.**

- (a) All public hearings held by the Planning Commission, Board of Commissioners, and Board of Zoning Adjustment, as applicable, shall be held in accordance with the procedures of this Section.
- (b) All applications for proposed amendments shall be reviewed by the Planning Commission in a public hearing in accordance with the procedures set forth in this Section.
- (c) Before taking action on a proposed amendment and after the receipt of the Planning Commission recommendations or reports thereon, if applicable, the Board of Commissioners shall hold a public hearing on the proposed amendment.

**1105.02 Open Hearings.**

- (a) The public hearing shall be convened at the scheduled time and place by the Chair of the Planning Commission, Board of Commissioners, or the Zoning Board of Adjustment, or their designee as applicable, who shall act as the presiding officer.
- (b) The public hearing shall be called to order by the presiding officer.
- (c) The presiding officer shall explain the procedures to be followed in the conduct of the public hearing and shall state the matter being considered at the hearing.
- (d) When any person wishes to speak at a public hearing in favor of or in opposition to an application, they shall raise their hand and, after being recognized by the presiding officer, shall come forward and give their name, address, relationship to the matter, and make any comment appropriate to the proposed zoning decision.
  - (1) The presiding official may encourage reasonable limits on the number of persons who may speak for or against a proposal, on the time allowed for each speaker, and on the total time allowed for presentation of the application. All speakers are urged to make their comments brief and avoid repeating other comments.
  - (2) Such reasonable time limitations, however, shall not deny any member of the general public to speak at the public hearing.
  - (3) Equal time for proponents of proposed zoning decisions to present data, evidence, and opinion and for presentation by opponents of each proposed zoning decision shall be provided, such minimum time period to be no less than 10 minutes per side.

- (4) Altogether, the total amount of time afforded the proponents of the application and the opponents, including rebuttal, shall be equal and shall be no less than 10 minutes per side for the presentation of data, evidence, and opinions. Neither side, however, is required to use the total time available.
- (e) If the request for a zoning decision is initiated by the Board of Commissioners, all members of the Board of Commissioners shall be allowed to speak as they are recognized by the presiding officer, regardless of whether such Board member speaks in favor of or in opposition to the proposed zoning decision. Thereafter, all individuals who so desire shall be permitted to speak in favor of the zoning decision.
- (f) Proponents of the application.
  - (1) Persons who support the application will be asked to comment first. If the subject of the hearing is a zoning decision initiated by a petitioner other than the Board of Commissioners; the petitioner requesting such zoning decision, or the petitioner's agent or counsel, shall be recognized first and shall be permitted to present and explain the request for the zoning decision.
  - (2) The applicant or the applicant's representative shall be required to attend the public hearing unless written notice of hardship is received prior to the hearing. Failure of the applicant or the applicant's representative to attend the public hearing, except in cases of hardship, may be due cause for the tabling of the application.
  - (3) The applicant shall have the burden of proof, which shall include the presentation of evidence and the burden of persuasion of each factor necessary to receive the approval of the request.
  - (4) After completion of the presentation of the applicant, other persons who support the request will be asked to comment and will be allowed to speak in support of the request upon recognition and upon identification of the person's name, address, and relationship to the matter in accordance with (d) above.
- (g) Persons opposing the application.
  - (1) Persons who oppose the application will next be asked to comment. After all individuals have had an opportunity to speak in favor of the application under consideration, each individual present at the public hearing who wishes to speak in opposition to the application shall have an opportunity to speak after being recognized, and providing their name, address and relationship to the matter, shall be afforded an opportunity to speak.
- (h) Rebuttal.

The applicant shall have an opportunity for rebuttal concerning the request. Rebuttal must be limited to points or issues raised by opponents to the application at the hearing.

In the case of an application for a proposed amendment to the zoning ordinance text or maps, the applicant shall have an opportunity, after all comments in opposition have been made, to make summary remarks concerning the proposed zoning decision.
- (i) Once all public comments have been heard, the presiding officer shall announce that the public hearing for the requested zoning decision is closed and the matter will be discussed among the board members.

(j) Discussion.

The members of the Planning Commission, the Board of Commissioners, or the Board of Zoning Adjustment, as applicable, may discuss the matter among themselves. During this discussion period, the members may call on the Community Development Director, any proponent or opponent, or other persons in attendance to clarify points made previously, to answer questions or to provide additional information. Such persons may respond upon recognition.

(k) Delay, rescheduling or continuation of hearing.

A public hearing on an application may be delayed, rescheduled or continued to another time and date, provided the announcement of the new time, place and date is given at the time and place of the advertised hearing, which announcement shall constitute public notice for the delayed, rescheduled or continued hearing.

**1105.03 Decisions.**

(a) Findings of Fact.

- (1) Following the public hearing, the Planning Commission, the Board of Commissioners, and the Board of Zoning Adjustments, as applicable, shall adopt findings of fact supporting their decision and may adopt any additional report it deems appropriate.
- (2) In order to approve an application, the Planning Commission, the Board of Commissioners, and the Board of Zoning Adjustments, as applicable, shall further make a finding that the reasons set forth in the application justify the granting of the application and that approval would be the minimum needed to make possible the reasonable use of the land, building or structure.
- (3) In preparing its findings of fact, the Planning Commission, the Board of Commissioners, or the Board of Zoning Adjustment, as applicable, must consider the standards for review set forth in Section 1104.05 and Section 1136 (hardship variances) as applicable.

(b) Decision.

(1) Planning Commission.

- a. The Planning Commission shall then consider the proposed amendment and shall, at that time, take action on its recommendation to the Board of Commissioners.
- b. The Planning Commission may decide not to make a recommendation, or it may make any of the following recommendations with respect to an application for a proposed amendment: approval, denial, deferral, withdrawal, reduction of the land area for which the application is made, change of the zoning district requested, or imposition of zoning conditions. If no recommendation is decided by the Planning Commission, then it shall report to the Board of Commissioners that it makes no recommendation on the application.
- c. The Planning Commission shall submit its recommendation or report of no recommendation to the Board of Commissioners prior to the scheduled public hearing in which the Board of Commissioners will consider the application for a zoning decision. If the Planning Commission fails to submit a recommendation



or report of no recommendation prior to the public hearing, the Planning Commission's recommendation shall be deemed to be one of approval.

(2) Board of Commissioners.

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

(3) Board of Zoning Adjustments.

- a. The Board of Zoning Adjustments shall consider applications and take action in accordance with Section 1203 of Article 12 (Administration and Enforcement) of this Development Code.

**1105.04 Refiling Restrictions after Denial of an Application.**

- (a) A proposed amendment to the zoning map affecting the same property shall not be submitted more than once every 24 months, regardless of final zoning decision, said interval shall begin with the date of final decision by the Board of Commissioners.
- (b) The Board of Commissioners may, in its discretion, reduce or waive the 24-month interval between applications for proposed amendments to the zoning map affecting the same property. However, there shall be at least a 6-month interval between the date of the Board of Commissioners' final action on the original application and a subsequent application affecting the same property.
- (c) The 24-month interval shall not apply to applications for proposed amendments initiated by the Board of Commissioners or by the Planning Commission, in which case the interval required before a subsequent application may be filed shall be at least 6 months.
- (d) An application to amend zoning conditions may be submitted at any time.

**1105.05 Amendments to the Conceptual Site Plan.**

Minor changes in the approved conceptual plan may be authorized by the Planning Commission, provided such changes do not go beyond the minimum or maximum requirements of the plan or of this Development Code. Such approval shall follow the procedures of this Section applicable to the Planning Commission.

**1105.06 Zoning Conditions.**

- (a) In approving the rezoning of a property or a special use for a property, the Board of Commissioners may impose conditions of approval that it deems necessary in order to make the requested action acceptable and consistent with the purposes of this Development Code and of the zoning district(s) involved, to ameliorate negative issues identified through evaluation of the standards governing consideration of a rezoning or special use, or to further the goals and objectives of any County adopted plan.
- (b) Zoning Conditions Proposed by Applicant.
  - (1) An applicant may file site plans, renderings, construction specifications, written development restrictions and other zoning conditions which the applicant proposes as binding restrictions upon the development and use of the property that is the subject of the proposed amendment. However, any such zoning conditions shall be submitted to the Community Development Department as part of the application prior to the public hearings before the Planning Commission and Board of Commissioners. If any such zoning conditions are proposed by an applicant and have not been filed as required by this subsection, the Planning Commission, at the time of the public hearing on the proposed amendment, shall defer any action on such proposed amendment to a specific meeting date. The date designated for action on the proposed amendment shall be set at a time which is sufficient to allow the applicant to comply with the filing requirements of this subsection.

**Sec. 1106. Applications for Text Amendments or Zoning Changes (Rezoning or Special Use Approval).**

**1106.01 General Application Process.**

- (a) Each proposed amendment to the text or to the official zoning map shall be initiated by filing an application with the Community Development Department.
- (b) Applications for proposed text amendments, amendments to the zoning map, or special use requests shall include information requested on the application form furnished by the Community Development Department and any additional information required by the Department.

**1106.02 Applications for Zoning Map Amendments (Rezoning) or Special Use Approval.**

- (a) Zoning Map Amendments: Conceptual site plan required.

Any applicant seeking rezoning of property to the following districts A/O, C-1, C-3, C-4, M-1 or M-2; or seeking rezoning for any property for residential development in A-1, R-R, and R-1; and any request in R-2 or R-3. shall submit a conceptual site plan with the application for rezoning depicting the proposed use of the property, including:

- (1) Vicinity map.
- (2) Delineation and dimensions of the boundary of the proposed district.
- (3) The present zoning classification of all adjacent property.
- (4) A conceptual lot layout with lot sizes along with a conceptual street layout.
- (5) Required yard setbacks appropriately dimensioned.

- (6) For C-1, C-3, C-4, M-1 or M-2 rezonings, a conceptual building site layout depicting the proposed building(s) location.
  - (7) The proposed location of ingress/egress points into the proposed development. For all property which ingress and egress must be obtained by access from a road within the state highway system, a letter giving preliminary approval of the access(es) location(s).
  - (8) The location of all required off-street parking and loading areas; off street parking for individual, single-family residences is not required to be shown.
  - (9) The location and extent of required buffer areas, depicting extent of natural vegetation and type and location of additional vegetation, if required.
  - (10) Location and width of all easements.
  - (11) Provisions for the supply of water and sewage to and throughout the development.
  - (12) Date, north arrow, scale, property owner and/or developer and address.
- (b) Special Use Approval: Conceptual Site Plan Required.

An applicant seeking special use approval in any zoning district shall submit a conceptual site plan, with the special use application, depicting the proposed use of the property including:

- (1) Vicinity map.
- (2) Delineation and dimensions of the boundary of the proposed district.
- (3) The present zoning classification of all adjacent property.
- (4) A conceptual lot layout with lot sizes along with a conceptual street layout (if applicable).
- (5) For special use permits located in C-1, C-3, C-4, M-1 or M-2 districts, a conceptual building site layout depicting the proposed building(s) location.
- (6) The proposed location of ingress/egress points into the proposed development. For all property which ingress and egress must be obtained by access from a road within the state highway system, a letter giving preliminary approval of the access(es) location(s).
- (7) The location of all required off-street parking and loading areas; off street parking for individual, single-family residences is not required to be shown.
- (8) The location and extent of required buffer areas, depicting extent of natural vegetation and type and location of additional vegetation, if required.
- (9) Location and width of all easements.
- (10) Provisions for the supply of water and sewage to and throughout the development.
- (11) Date, north arrow, scale, property owner and/or developer and address.
- (12) Minor changes in the approved conceptual plan may be authorized by the Community Development Director, provided such changes do not go beyond the minimum or maximum requirements of the plan or of this Development Code.

- (13) For agritourism master plans, the conceptual site plan may be simplified to include vicinity map, property boundaries, conceptual layout of proposed agritourism uses, proposed ingress/egress points, off-street parking locations, natural vegetation and buffers, and plans for restroom accommodations, if applicable.
- (c) Impact Analysis, when required.
  - (1) When an impact analysis is required by this Development Code or by the DRI process, it shall be updated if land disturbance permits have not been obtained within 5 years of zoning approval. The Impact Study shall be updated before land disturbance permits will be issued.

**Sec. 1107. Existing Lots of Record.**

- (a) Any lot or parcel of land in any district which was on record in the Office of the Clerk of the Superior Court of Harris County at the date of adoption of this ordinance, November 1<sup>st</sup>, 2022, or amendment thereof, which does not adjoin undeveloped land (or land which has been subdivided but a building permit has not been issued for the site), under the same ownership may be used as a building site even though such lot or parcel fails to meet the minimum requirements for lot area, lot width or both. With respect to such lots or parcels, yard requirements and other requirements shall be subject to the following:
  - (1) Meet applicable setback requirements.
  - (2) Not to exceed the maximum lot coverage requirements.
  - (3) Must have an approved on-site sewage permit from the Harris County Board of Health.

**Sec. 1108. Development of Regional Impact (DRI).**

**1108.01 Types of Approvals Covered.**

The provisions of this Section apply to any type of governmental action requested by a private party related to a development project, such as a rezoning or special use approval, special exception variance or hardship variance approval, project approval of a subdivision or site plan, issuance of a land disturbance permit or building permit, or hook-up to a public utility.

**1108.02 Thresholds for Regional Review.**

Any development project for which any governmental action is requested that meets or exceeds any of the development thresholds adopted by the Georgia Department of Community Affairs (DCA) shall be considered a Development of Regional Impact (DRI).

**1108.03 Process for DRI Review.**

The DRI review process shall conform to the rules adopted by DCA for Developments of Regional Impact. To the extent that the provisions of this Section differ with said rules, said rules shall control and take precedence.

- (a) Submission to the regional commission.
  - (1) First request for project approval.
    - a. Upon determination by the Community Development Director that an application qualifies for DRI review by the River Valley Regional Commission

(RVRC), Director shall contact the RVRC to begin the process for DRI review, as outlined in the DCA's DRI Rules.

- b. The applicant shall provide such information as necessary for the DRI review on forms available from DCA. The DRI review forms and supporting information prepared by the applicant shall be submitted by the Community Development Department to the RVRC.
- c. Once the RVRC has accepted the DRI forms as complete, the review period officially begins as outlined in the DCA's DRI Rules.
- d. Throughout the DRI process, the applicant shall coordinate with the Community Development Department and the RVRC and provide such additional information as may be needed to complete the DRI evaluation.

(2) Subsequent requests for project approval.

Once the development project has been reviewed by the RVRC and the first governmental action has been granted, no further reviews by the RVRC of subsequent governmental actions need to be reviewed by the RVRC unless the project is revised by an increase of 10% or more in the applicable threshold factor.

- (b) Review by the County of the development project may proceed during the DRI process, but no final action on the application may be taken until the DRI process is completed. Examples of local development review activities that may take place during the DRI process include, but are not limited to, preliminary staff administrative functions, project evaluation/assessment, community participation meetings, site visits, and work sessions for the Board of Commissioners to discuss, but not vote on, the proposed local action that triggered the DRI process.

(c) Final action by the County.

Approval of the first request for governmental action by the County shall not be made on a DRI until either:

- (1) Any inter-jurisdictional conflicts related to the DRI have been brought to a conclusion; and
- (2) A report has been received from the RVRC reflecting its public findings and comments, if any; or
- (3) Said report is not received within 30 days of official determination by the RVRC that the DRI application is complete.

## **DIVISION 2. PROJECT APPROVAL.**

### **Sec. 1109. Minor Subdivisions.**

#### **1109.01 Review Procedures.**

A subdivision plat shall be submitted to the Community Development Department for review as follows:

- (a) 3 copies of the plat shall be presented to the Community Development Director, or designee. The plat shall be complete and shall include all data specified in this section.
- (b) The Community Development Director, or designee, shall, within 10 days of submission, approve or disapprove the subdivision plat. If action is not taken within 10 days from the date of submittal, the plat shall be considered approved. The subdivider may waive this requirement and consent to an extension of time.

**1109.02 Administrative Appeals.**

- (a) If the plat is disapproved by the Community Development Director or designee, the subdivider may appeal the decision to the Planning Commission.
- (b) 5 copies of the subdivision plat shall be presented to the Planning Commission at least 10 days prior to the date of the regular monthly meeting of the Planning Commission.
- (c) The subdivider, or duly authorized representative, shall attend meetings of the Planning Commission to discuss the plat.
- (d) Appeals procedures shall be in accordance with the "Appeals" Division of Article 11 (Procedures and Permits).

**1109.03 Minor Subdivision Plat Specifications.**

The subdivision plat shall include the following information:

- (a) Date, north point, map scale, name and address of record owner and subdivider.
- (b) Exact boundary lines of tract by bearings and distances, made and certified to by a licensed surveyor. The corners of the tract shall be located on the ground and marked by permanent monuments and shall be referenced and shown on the plat.
- (c) Names of record owners of adjoining land.
- (d) Existing streets, utilities, easements, watercourses, and structures on [the] tract.
- (e) Number of land lot and land district in which [the] tract is located.
- (f) Location of access from existing street to parcel with certification by surveyor of adequate sight distance as found in Geometric Design Standards of the Georgia Department of Transportation.
- (g) For minor subdivisions of more than 1 lot:
  - (1) Subdivision name and copy of covenants or deed restrictions as are intended to cover all or part of tract, if such are proposed; and
  - (2) Certification by the environmental health specialist on the plat that the lots meet the minimum specifications for on-site sanitation and water established by the state department of health.

**Sec. 1110. Major Subdivisions.**

**1110.01 Preapplication Review Procedure.**

- (a) Whenever the subdivision of a tract of land is proposed, the subdivider is urged to consult early and informally with the planning commission. The purpose of the preapplication

review is to facilitate the subsequent preparation of plans, and no fees are charged for this review.

- (b) The subdivider may submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed development layout of the subdivision. If the proposed plat is for a minor subdivision, the subdivider shall then comply with the procedure set forth in Section 1109.
- (c) If the plat is for a major subdivision:
  - (1) The property shall be in the proper zone as required by the Development Code prior to approval of the preliminary plat.
  - (2) The subdivider shall submit to the Health Department a detailed soils survey by a registered professional soils scientist, or other qualified individuals acceptable to the health department, 15 days prior to preliminary plat review by the Planning Commission.
  - (3) The subdivider shall then comply with the procedure set forth in Section 1110.02 and comply with design standards and other required improvements as set forth in this Development Code.

**1110.02 Preliminary Plat Application Procedures and Requirements.**

- (a) Application for Preliminary Plat.
  - (1) Following preliminary plat review of a proposed major subdivision and the payment of a fee in accordance with the current schedule approved by the Board of Commissioners for the Community Development Department, the subdivider shall submit to the Community Development Department at least 25 days prior to the next regularly scheduled meeting of the Planning Commission, the following:
    - a. A letter requesting review and approval of a preliminary plat and giving the name and address of a person to whom the notice of the Planning Commission meeting to review the preliminary plat shall be sent.
    - b. 13 copies of the preliminary plat and other related documents to be utilized by the following: Community Development, Planning Commission, Board of Commissioners, Water Department, Council of Fire Chiefs, EMS, EMA/911, Health Department, Public Works, Board of Education, Sheriff's Department. The 13th copy shall be returned to the subdivider or authorized agent with a notation of action taken by the Planning Commission.
- (b) Preliminary Plat Review Procedures.

Project Approval is granted upon review and approval of a Preliminary Subdivision Plat by the Planning Commission. Review of preliminary plat shall include the following:

- (1) The Planning Commission shall check the plat for conformance to this Development Code and shall hold a meeting to review the preliminary plat, notice of the time and place of which shall be sent to the Chairman of the Planning Commission or designated agent by regular mail to the person designated in the letter requesting preliminary plat review and approval, not less than 10 days prior to the date of the meeting.

- (2) Thereafter, the Planning Commission shall give tentative approval or disapproval to the preliminary plat, including a statement of the reasons for disapproval if the preliminary plat is disapproved. 1 copy shall be returned to the subdivider or authorized agent and 1 copy added to the records of the Planning Commission.
  - (3) Approval of a preliminary plat does not constitute approval of a final plat. It indicates only approval of the layout as a guide to the preparation of the final plat. Preliminary plat approval shall expire and be null and void after a period of 1 year or a period specified by the Planning Commission at the time of approval. The Planning Commission may grant extensions to the specified period of approval upon request of the subdivider or authorized agent.
  - (4) If action on a preliminary plat is not taken by the Planning Commission within 65 days of the date of the public meeting to review the preliminary plat, it shall be considered approved and a certificate of approval shall be issued on demand. However, the applicant may waive this requirement and consent to an extension of time.
- (c) Preliminary Plat Specifications.
- (1) Scale. The preliminary plat shall be clearly and legibly drawn at a scale not smaller than 100 feet to 1 inch, unless a scale of 200 feet to 1 inch is approved by the Planning Commission at the time of the preapplication review.
  - (2) Sheet Size. Sheet size shall not be less than 17 times 23 inches. If the complete plat cannot be shown on 1 sheet of this size, it may be shown on more than 1 sheet with an index map on a separate sheet of the same size.
  - (3) Ground Elevations. The preliminary plat shall show ground elevations, based on the datum plane of the U.S. Coast and Geodetic Survey (or other approved datum plane) with contour lines at intervals of not more than 5 feet.
  - (4) Preliminary Plat Specifications.
  - (5) The preliminary plat shall contain the following information:
    - a. Name and address of owner of record and of subdivider.
    - b. Proposed name of subdivision and its acreage.
    - c. North point and graphic scale and date.
    - d. Vicinity map showing location and acreage of the subdivision.
    - e. Exact boundary lines of the tract of bearings and distances.
    - f. Names of owners of record of adjoining land.
    - g. Existing streets, utilities, and easements on and adjacent to the tract.
    - h. Proposed layout, including streets and alleys (to be reviewed by a registered engineer), with proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for purposes other than single-family dwellings.
    - i. Block numbers and lot numbers.



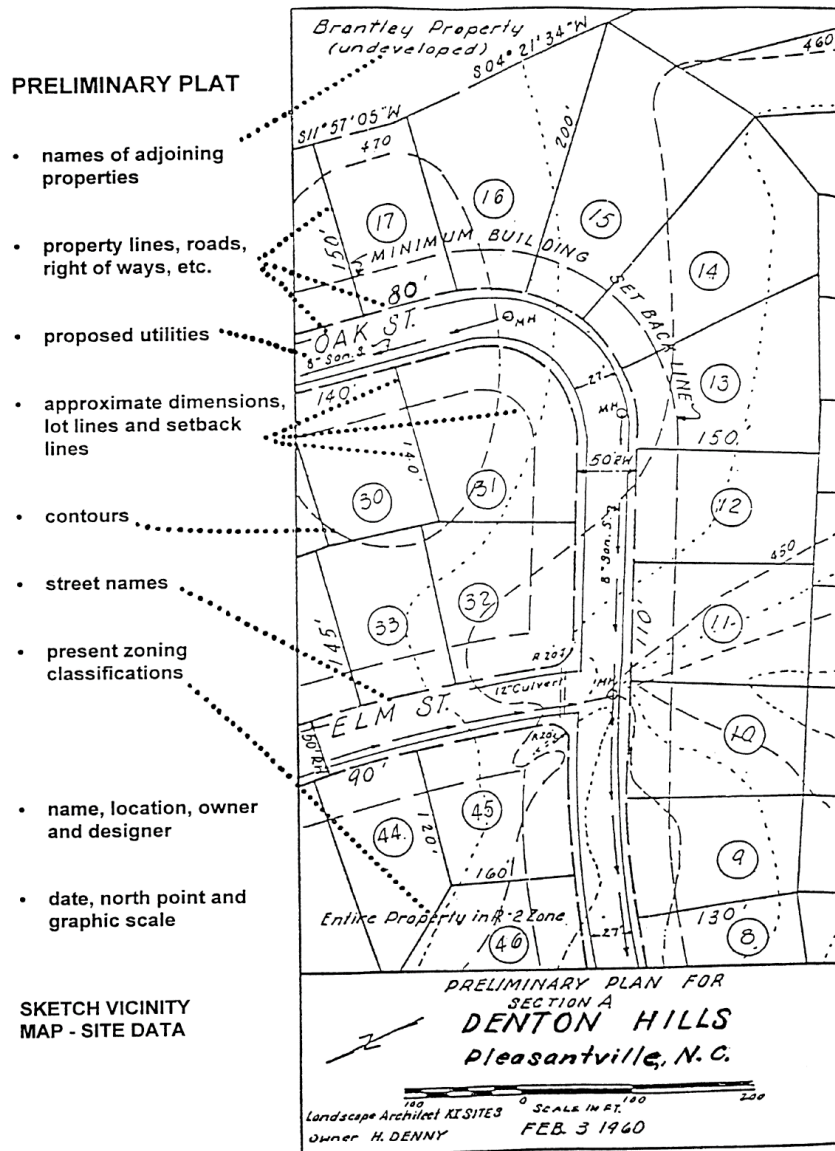
- j. Provision for water supply, sewerage, and drainage (to be reviewed by the county sanitarian).
- k. Such street cross-sections and center-line profiles as may be required by the county.
- l. Floodplain boundaries, if applicable.
- m. Existing wetlands, as indicated on the Generalized Wetlands Map and/or the US Fish and Wildlife Service National Wetlands Inventory Map.
- n. Copy of covenants or deed restrictions as are intended to cover all or part of the subdivision, if such are proposed, shall accompany the plat. Homeowner's Association documents shall comply with Section 515 of Article 5 (Subdivisions and Planned Developments) of this Development Code.

(d) Certificate of Preliminary Approval.

A certificate of approval of the preliminary plat by the planning commission shall be inscribed on the plat as follows:

- (1) "Pursuant to the Land Subdivision Regulations of Harris County, Georgia, all the requirements of preliminary approval having been fulfilled, this preliminary plat was given preliminary approval by the Harris County Planning Commission on \_\_\_\_\_, 20\_\_.
- (2) "This Preliminary Approval does not constitute approval of a Final Plat. This Certificate of Preliminary Approval shall expire and be null and void on \_\_\_\_\_, 20\_\_.

|      |  |
|------|--|
| Date | Chairman, Harris County<br>Planning Commission |
|------|--|



**1110.03 Final Plat Application Procedures and Requirements.**

(a) Application for Final Plat.

After the preliminary plat of a proposed land subdivision has been given tentative approval by the Planning Commission, the subdivider may, within the period specified for preliminary plat approval, submit to the Community Development Department, at least 15 days prior to the next regularly scheduled meeting of the Planning Commission, the following:

- (1) A letter requesting review and approval of a final plat and giving the name and address of the person to whom the notice of the Planning Commission meeting to review the final plat shall be sent.
- (2) 13 copies and 2 signed originals of the final plat and other related documents, as specified in Article 9. For final plats which do not require preliminary plat review, the subdivider must submit to the Community Development Department, at least 25 days prior to the next regularly scheduled meeting of the Planning Commission, all items required above.
- (3) A fee in accordance with the current fee schedule approved by the Board of Commissioners for the Community Development Department.

(b) Final Plat Review Procedures

- (1) The Planning Commission shall check the final plat for conformance with the tentatively approved preliminary plat, and with the rules and regulations of this Development Code, and shall hold a meeting to review the final plat, notice of the time and place of which shall be sent by the Planning Commission or its agent by regular mail to the person designated in the letter requesting final plat review and approval, not less than 10 days prior to the date of the hearing.
- (2) Thereafter, the Planning Commission shall approve or disapprove the final plat. A notation of the action shall be made on all copies of the final plat, including a statement of the reasons if the final plat is disapproved. If action is not taken by the Planning Commission within 65 days of the date of the public meeting to review the final plat, it shall be considered approved and a certificate of approval shall be issued on demand. However, the applicant for approval may waive this request and consent to an extension of time.
- (3) Upon approval of the final plat, it shall be recorded in the office of the Clerk of Superior Court of Harris County. The owner or applicant shall be responsible for the recording of such final plat in the office of the clerk of superior court.

(c) Final Plat Specifications.

- (1) General.
  - a. The final plat shall conform to and meet the specifications of the preliminary plat. The final plat shall be clearly and legibly drawn.
  - b. Sheet sizes shall be 17 inches times 23 inches and where more than 1 sheet is required an index map shall be required on the same size sheet.
- (2) The final plat shall show the following:
  - a. Bearings and distances to the nearest existing street lines or benchmarks or other permanent monuments (not less than three (3)) shall be accurately described on the plat.
  - b. Municipal, county and land lot lines accurately tied to the lines of the subdivision by distances and angles when such lines traverse or are reasonably close to the subdivision.
  - c. Exact boundary lines of the tract determined by a field survey.

- d. Name of subdivision, exact locations, widths, and names of all streets and alleys within and immediately adjoining the plat.
- e. Street centerlines showing angles of deflection, angles of intersection, radii, and lengths of tangents.
- f. Lot lines and building set back distances with dimensions to the nearest one-tenth foot and bearings to the nearest minute.
- g. Lots numbered in numerical order and blocks letter alphabetically.
- h. Location, dimensions, and purposes of all easements and all areas to be reserved or dedicated for public use.
- i. Accurate location, material and description of monuments and markers.
- j. House numbers at the center of each lot, measured and assigned in accordance with the Harris County numbering system.
- k. A statement, either directly on the plat or in an identified attached document, of any private covenants.
- l. The following certification:

- 1. Placement of the surveyor's certification, directly on the final plat as follows:

"It is hereby certified that this Plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown hereon actually exist or are marked as 'future', and their location, size, type and material are correctly shown; and that all engineering requirements of the Land Subdivision Regulations of Harris County, Georgia, have been fully complied with."

By: \_\_\_\_\_

Registered Georgia Land Surveyor

No. \_\_\_\_\_

- 2. An owner's certificate, directly on the final plat as follows:

Owner's Certification:

State of Georgia, Harris County

"The owner of the land shown on this Plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that this plat was made from an actual survey, that all state, and county taxes or other assessments now due on this land have been paid."

Agent: \_\_\_\_\_

Date: \_\_\_\_\_

Owner: \_\_\_\_\_

Date: \_\_\_\_\_

- 3. Certificate of dedication.

A certification by the owner setting forth the description of the areas and improvements he dedicates to the public and the extent of the title which he is dedicating should be attached to the final plat.

CERTIFICATE OF OWNERSHIP AND DEDICATION

"I (we) hereby certify that I (we) adopt this plan of subdivision, establish the minimum building setback lines, and dedicate all streets, alleys, walkways and other open spaces to public use as noted."

Date: \_\_\_\_\_

Owner: \_\_\_\_\_

Owner: \_\_\_\_\_

4. Certification of approval of water system, directly on the final plat in legible handwriting as follows:

"I hereby certify that the community or public water supply and distribution system installed or to be installed, and/or the plan for private water supplies in the subdivision plat attached hereto meet the requirements of the Health Department or Water Department."

Date: \_\_\_\_\_

Health Department: \_\_\_\_\_

Water Works Department: \_\_\_\_\_

5. Certification of sewer system, directly on the final plat as follows:

"I hereby certify that the community or public sewerage collection and disposal system installed or to be installed, and/or the plans for private sewage disposal system in the subdivision plat attached hereto meet the requirements of the Health Department. Lot Number(s): \_\_\_\_\_ is (are) not approved for private sewage disposal systems."

Date: \_\_\_\_\_

Health Department: \_\_\_\_\_

6. Certification of approval of streets and drainage, directly on the Final Plat as follows:

"I hereby certify that the streets and drainage in this subdivision have been installed in an acceptable manner and meet all the requirements of the Land Subdivision Regulations of Harris County."

Date: \_\_\_\_\_

X \_\_\_\_\_

Director of Public Works

7. Certificate of approval for recording, directly on the final plat as follows:

"I hereby certify that the subdivision plat shown hereon has been found to comply with the Land Subdivision Regulations of Harris County and that it has been approved by the Harris County Planning Commission for

recording in the office of the Clerk of Superior Court of Harris County, Georgia."

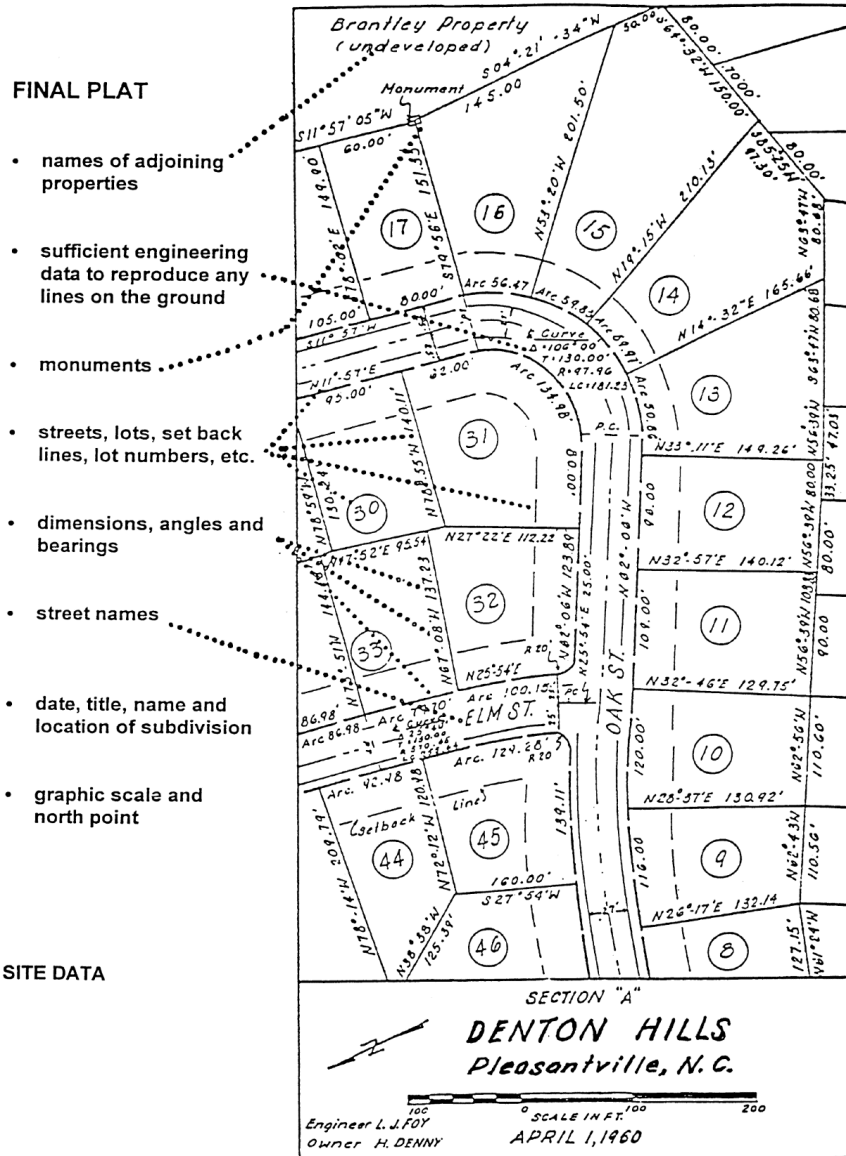
Date: \_\_\_\_\_

X \_\_\_\_\_

Chairman, Harris County Planning Commission

X \_\_\_\_\_

Secretary, Harris County Planning Commission



**Sec. 1111. Rezoning Application for Planned Unit Development (Rezoning Procedure).**

1111.01 Concept Master Plan.

- (a) A concept master plan shall be submitted at the time of a rezoning request for all Planned Unit Development (PUD) type projects. If the zoning of subject property is appropriate, only a concept plan is required.
- (b) An applicant shall file, together with the prescribed application and fee, a concept plan reflecting at a minimum, the following:
  - (1) The boundaries of the entire tract or parcel.
  - (2) Generalized location of existing and proposed external roads and adjacent land use and development.
  - (3) Generalized location and description of various internal proposed land use components, including information as to proposed densities and intensities, proposed size and heights of the development.
  - (4) Generalized location and description of proposed roads, proposed dedicated open spaces, and perimeter buffer areas.
  - (5) Proposed phasing of the development.
  - (6) An illustrative plan providing for the physical layout of the entire development including all streets, lots, parcels, and open space types.
- (c) During the concept plan approval phase, the Community Development Director and developer will review plans to determine if minimum standards are met prior to the Planning Commission review.

**1111.02 Preliminary Development Plan.**

Any person, firm, company or other business entity applying for a zoning amendment to establish a planned unit development shall submit a preliminary development plan, along with the appropriate applications and fees, to the Community Development Department, consisting of:

- (a) A site plan showing:
  - (1) The direction of north, appropriate scale, and topography.
  - (2) The location of subject property in relation to the entire county.
  - (3) The uses of the properties adjacent to the site.
  - (4) The proposed uses and densities planned for the site.
  - (5) The access to, and traffic circulation within, the site.
- (b) A proposed development schedule for the project.
- (c) The project shall be located in an area for which public facilities and services are available and adequate for the uses proposed; provided, however, that the applicant may provide such facilities which are not presently available, and written assurances of such provision shall be included as part of the preliminary development plan which is submitted.
- (d) The Planning Commission and Board of Commissioners shall review and act on the proposed zoning request and on any amendment to an approved preliminary development plan in accordance with the requirements of this Development Code.

**1111.03 Final development plan.**

Prior to the removal of natural vegetation, restructuring of the land, or construction of any improvements, an approved final development plan is required. A final development plan, which shall be consistent with the preliminary development plan, shall be submitted to the Community Development Department, and shall contain:

- (a) A site plan showing:
  - (1) The direction of north, appropriate scale, and topography in not greater than the intervals required under the Erosion and Sedimentation Act [of 1975] (O.C.G.A. § 12-7-1 et seq.) and listed in the "Manual for Erosion and Sediment Control in Georgia."
  - (2) The proposed location and height of all structures.
  - (3) The use of all land and structures.
  - (4) The location and use of structures adjacent to the site.
  - (5) The location and dimensions of street, common driveways and walkways pertinent to the site.
  - (6) The location of service and loading areas and spaces.
  - (7) The location, size, number, and character of all exterior signs and lighting.
  - (8) The location, character, and extent of vegetative landscaping, retaining and screening walls, and other treatments for the protection of adjoining properties.
  - (9) The facilities for stormwater drainage and control.
  - (10) The location and character of all public improvements including utilities.
- (b) A copy of any deed restrictions to be recorded.
- (c) A comprehensive impact analysis indicating the probable effect of the planned development on the county school system, emergency services (fire, law enforcement, EMS) and any probable impact on existing traffic patterns and capacities of adjacent roads/streets in the immediate area. Such analysis shall be prepared by a professional civil engineer, registered in the State of Georgia, or other individual whose profession lends itself to adequate analysis.
  - (1) If land disturbance permits have not been applied for 5 years after the final approval date of the final development plan, the impact analysis shall be updated and resubmitted to the Community Development Director to include analysis with current data.
- (d) A development schedule indicating the appropriate date when construction of the project, or stage thereof, can be expected to begin and be completed.
- (e) Any other information necessary to establish compliance with this and other ordinances of the availability of adequate utility compliance.
- (f) A detailed fire protection plan indicating the location and size of all existing and proposed fire mains, fire hydrants, and fire access lanes, as well as a description of all fire protection measures and devices for structures.



- (g) The public improvements included in the final development plan shall be consistent with this Development Code, and compliance with all applicable regulations shall be reviewed as part of the final development process.
- (h) The applicant shall provide for and establish an organization or other legal entity for the control and maintenance of any common property designated on the final development plan. Such entity shall be created by covenants running with the land, and such covenants shall be included as part of the final development plans and subject to approval by the board of commissioners.

**1111.04 Final development plan review.**

- (a) Upon receipt of an applicant's final development plan, the Community Development Department shall transmit a copy of the plan to the appropriate departments and agencies for review, report, and recommendation.
- (b) Such officials and agencies shall each, within 30 days from receiving the plan and documentation, furnish the Community Development Department a report pertinent to their respective jurisdictional concerns.
- (c) Upon receipt of the various review comments, the department community development shall schedule the development plan for review at the next available scheduled meeting of the Planning Commission.
- (d) The Planning Commission shall review the applicant's final development plan, and within 30 days of their review shall also prepare and forward their written report and recommendation on the final development plan to the Board of Commissioners of approval or disapproval at the next available scheduled meeting of the Board of Commissioners.

**1111.05 Application for preliminary plat and final plat approval.**

After the concept master plan and rezoning request has been recommended for approval by the Planning Commission and approved by the Board of Commissioners or, if the existing zoning is appropriate, preliminary and final plat procedures as provided in this Development Code shall apply.

**1111.06 Amending a final development plan.**

- (a) The final development plan may be amended by the Board of Commissioners, provided the procedure specified in the previous section for review and approval is followed.
- (b) Minor changes in the locating, siting, or character of buildings and structures as shown on the final development plan may be authorized by the Community Development Director.
- (c) No change authorized by the Community Development Director under this section may increase the size of any building or structure by more than 10%, nor change the location of any building or structure by more than 10 feet in any direction; provided, notwithstanding anything in the foregoing, the Community Development Director may not permit change beyond the minimum or maximum requirements set forth in this ordinance.
- (d) All other changes in the final development plan, including changes in the site plan and in the development schedule, must be made under the procedures that are applicable to the initial approval of a final development plan.

**Sec. 1112. Rezoning Application for Community Unit Planned Development (CUPD) (Rezoning Procedure).**

**1112.01 Conceptual master plan.**

Any person, firm, company or other business entity applying for a zoning amendment to establish a CUPD shall along with the zoning application submit a conceptual master plan, along with the appropriate applications and fees, to the Community Development Department, consisting of:

- (1) A site plan showing:
  - a. The direction of north, appropriate scale and topography.
  - b. The location of subject property in relation to the entire county.
  - c. The uses of property adjacent to the site.
  - d. The proposed uses and densities planned for the site.
  - e. The access to the site and general traffic circulation therein.
  - f. Buffers adjacent to the property not subject to the CUPD.
- (b) Impact Analysis. A comprehensive impact analysis indicating the probable effect of the CUPD on the county school system, emergency services (fire, police, EMS) and any probable impact on existing traffic patterns and capacities of adjacent roads/streets in the immediate area. Such analysis shall be prepared by a professional civil engineer, registered in the State of Georgia, or other individual whose profession lends itself to adequate analysis.
  - (1) If land disturbance permits have not been applied for 5 years after the final approval date of the final development plan, the impact analysis shall be updated and resubmitted to the Community Development Director to include analysis with current data.
- (c) Public utilities. The project shall be located in an area for which public facilities and services are available and adequate for the uses that are proposed; provided, however, that the applicant may provide such facilities which are not presently available, and written assurances of such provision shall be included as a part of the conceptual master plan which is submitted.

**1112.02 Rezoning and Conceptual Master Plan Review Procedures.**

- (a) The Planning Commission and Board of Commissioners shall review and act on the proposed zoning request for a CUPD and the conceptual master plan in accordance with the Development Code.
- (b) Upon the approval by the Board of Commissioners of the uses and densities contained in a conceptual master plan, and any buffers within the CUPD adjacent to property not subject to the CUPD, said densities shall not be exceeded, new uses introduced or buffer requirements reduced unless an amendment to the CUPD has been approved by the Planning Commission and Board of Commissioners to:
  - (1) Permit additional uses at specified densities.
  - (2) Increase the densities of already permitted use; and/or as the case may be.

- (3) Reduce the buffers requirements for property within the CUPD that is adjacent to property not subject to the CUPD. Except for the above, applicant shall have the right to modify the conceptual master plan approved by the Board of Commissioners, including the right to transfer or shift permitted uses and densities to different locations within the CUPD so long as the overall level of development yields of the approved plan are not exceeded.

**1112.03 Final Development Plan Requirements.**

Prior to removal of natural vegetation, restructuring of land, or construction of any improvements, an approved final development plan is required. All final development plans for that portion of the CUPD where development activities will be occurring shall be submitted to the Community Development Department for review and approval by the Community Development Director, and shall contain:

- (a) A site plan showing:
  - (1) The direction of north, appropriate scale, and topography in not greater than the intervals required under the Georgia Erosion and Sedimentation Act (O.C.G.A. § 12-7-1 et seq.) and listed in the "Manual for Erosion and Sediment Control in Georgia."
  - (2) The proposed location and height of all structures.
  - (3) The use of all land and structures.
  - (4) The location and use of structures adjacent to the site.
  - (5) The location and dimensions of streets, common driveways and walkways pertinent to the site.
  - (6) The location of service and loading areas and spaces.
  - (7) The location, size, number and character of all exterior signs and lighting.
  - (8) The location, character, and extent of existing vegetation landscaping, retaining and screening walls, and other treatment for the protection of adjoining properties.
  - (9) The facilities for stormwater drainage and control.
  - (10) The location and character of all public improvements including utilities.
  - (11) The densities for that portion of the CUPD, provided, however, that nothing herein shall require the densities of uses for any portion of the CUPD to be equal to or less than the approved densities for that use within the CUPD as a whole, provided, however, that the overall densities for that use within the CUPD have not been exceeded.
- (b) An estimated development schedule indicating the approximate date when construction of the project, can be expected to begin and be completed and details on the proposed phasing plan by land use.
- (c) Any other information necessary to establish compliance with this and other ordinances of the availability of adequate utility capacity.
- (d) A detailed fire protection plan indicating the location and size of all existing and proposed fire mains, fire hydrants, and fire access lanes, as well as a description of all fire protection measures and devices for structures.

- (e) The public improvements included in the final development plan shall be consistent with this Development Code. In the event there is conflict with other sections of the Development Code, and these CUPD District Regulations, these district regulations shall control.

**1112.04 Final Development Plan Review.**

- (a) Upon receipt of an applicant's final development plan for that portion of the CUPD where development activities will be occurring, the Community Development Department shall within 30 days from the submission of the final development plan review and approve the same if it is in compliance with the above-referenced requirements for a final development plan.
- (b) If the final development plan is not in compliance with these requirements, the Community Development Department shall within the same time frame notify the applicant in writing of the exact nature of the deficiencies. Upon said deficiencies being corrected by applicant, the department shall within 10 days of that date approve the final development plan. Upon the approval of the final development plan, the applicant may commence with the development activities on that portion of the CUPD for which a final development plan has been approved.

**1112.05 Amendment to Final Development Plan.**

- (a) Amendments to the final development plan shall be submitted, reviewed and approved in the same manner as the initial final development plan.
- (b) An owner of property within a CUPD may only have the right to seek to amend that portion of the CUPD owned by said owner.

**Sec. 1113. Rezoning Application for Resort Development Master Plan Revisions.**

- (a) Resort Development is an inactive zoning district; see Article 14.
- (b) Amendments to the site plan of an existing resort development must be submitted to the Harris County Planning Commission and Harris County Board of Commissioners for review and approval.
- (c) A site plan for the total acreage must be submitted to the Planning Commission for review and approval to ensure consistency with the overall plans for the appropriate development of the county. Final approval of the plan rests with the Board of Commissioners.
- (d) Where resort development abuts a public road, the minimum setback requirements shall be those of the most restrictive adjacent zoning district.

**Sec. 1114. Special Use Application for Telecommunications Facilities.**

Applications for a special use permit associated with Telecommunications Antennas and Towers and associated processes and conditions shall be in accordance with Section 341 of Article 3 (Restrictions on Particular Uses) of this Development Code.

**Sec. 1115. Special Use Application for Agritourism Development.**

In addition to the requirements of this section, application requirements for Special Use associated with Agritourism shall be in accordance with the requirements below and shall

comply with Section 309 of Article 3 (Restrictions on Particular Uses) and other applicable provisions of this Development Code.

**1115.01 Application requirements:**

In addition to the requirements listed in Section 1106.02 The following must be provided when applying for a special use permit to allow for agritourism uses on a property:

- (a) A list and description of proposed uses, potential future uses, proposed uses within the agritourism property or development must be compatible with intent of Section 309 of Article 3 and must be approved by the Board of Commissioners.
- (b) Description of business operations related to proposed agritourism uses (i.e., how proposed use(s) relate to working farm on which they are to be located.)
- (c) Conceptual site plan required. A conceptual site plan shall be submitted in accordance with Section 1106.02(b) and shall depict all business operations related to the proposed agritourism uses.

**1115.02 Minor Amendments.**

- (a) Minor changes in the approved conceptual plan or proposed list of uses may be authorized by the Planning Commission, provided such changes are compatible with the original special use approval and any conditions of approval and do not go beyond the minimum or maximum requirements of the approved plan or of this Development Code. Alternatively, upon reviewing these minor changes, the Planning Commission may send the application to the Board of Commissioners as per the regular review process for special use permit approval.
- (b) The Community Development Director shall consider the standards in Section 1205 of Article 12 (Administration and Enforcement) of this Development Code.

**DIVISION 3. DEVELOPMENT CONSTRUCTION APPROVAL.**

**Sec. 1116. General Requirements/Authorization Required for Land Disturbance or Development Activities**

Persons seeking to undertake land-disturbing activity (as defined in this Development Code) shall not commence or proceed until development construction plans are approved by the Community Development Director or designee, and a land disturbance permit is issued by the Community Development Department. The process for approval of a land disturbance permit for site development is presented in this Division. If any portion of the property to be developed contains a flood hazard area (the 100-year flood plain), a floodplain management approval shall also be required and will be issued as part of the land disturbance permit. In addition, other permits as described in this Article may also be required as part of a development construction approval.

**Sec. 1117. Road Development Directives.**

In order for the Board of Commissioners to accept any streets/roads within Harris County, the following directives shall be complied with:

- (a) The subdivider/owner/developer of proposed streets/roads shall acquire a copy of this article. A copy may be obtained from the following County departments: Public Works

Department, Community Development Department, or the County Manager's office, from 8:00 a.m. to 12:00 noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday.

- (b) Prior to beginning construction on a street/road, following preliminary plat approval, the subdivider/owner/developer shall consult with the Public Works Director and submit a set of construction plans. Said plans will be reviewed for compliance; following approval, subdivider/owner/developer may proceed with construction of street/road. No construction will be started until the construction plans have been approved.
- (c) After the subdivider/owner/developer has completed construction of said streets/roads to include striping and the placement of all signs (stop, curve, street signs, etc.), he/she shall forward a letter requesting an inspection by the Public Works Director.
- (d) Upon receipt of said request, the Public Works Director or his designee shall conduct an inspection of said streets/roads for compliance with the approved construction plans and the road standards contained within this article.
- (e) Initial Inspection Report.
  - (1) After the inspection has been accomplished, the Public Works Director shall complete an inspection report and forward the original to the Board of Commissioners office and a copy to the subdivider/owner/developer. This report will indicate any deficiencies noted and what the subdivider/owner/developer must correct/complete prior to the recommendation of acceptance by the Public Works Director. If there are no deficiencies, the report will indicate as such and the Public Works Director will recommend that said streets/roads be accepted and placed on the official Harris County Road Register.
- (f) After receipt of the successful inspection report, the subdivider/owner/developer shall forward the following to the Board of Commissioners:
  - (1) A 4-year guarantee in the form of a cost bond, letter of credit, or certified check, effective for 4 years from the date of the successful inspection, in the amount of 5% of the cost of the road work done, to include drainage system, base, and paving, accompanied by a copy of the contractor's invoices for said road work. If a cost bond is provided, it must be held by a company must be licensed to do business in Georgia.
  - (2) A deed conveying said street/road and right-of-way to Harris County, Georgia.
  - (3) A copy of the recorded plat referenced in the right-of-way deed.
  - (4) A document showing the map and parcel numbers of the property being deeded.
  - (5) A check made payable to Harris County Clerk of Superior Court to cover the cost of recording the deed.
  - (6) A document showing the name and contact information of the person to whom the request for the actual title policy is to be sent and to whom copies of the recorded documents are to be sent.
  - (7) A commitment policy of owner's title insurance to the Board of Commissioners insuring, except for title insurance standard exceptions, the fee simple title to the street/road being accepted by the Board of Commissioners and dedicated to public use.

Such title insurance shall be in the amount of the cost of the road to include drainage system, base and paving. The premium for the aforementioned title insurance shall be borne by the subdivider/owner/developer of the property. The requirement for title insurance shall be a pre-requisite to the acceptance of the road by the Board of Commissioners.

- (g) Following receipt of all required documents, a resolution for acceptance regarding the streets/roads will be prepared for consideration by the Board of Commissioners.
- (h) Following adoption of the resolution, the deed shall be recorded, and copies of the resolution and the recorded deed will be provided to the subdivider/owner/developer upon receipt of the owner's title insurance policy, which replaces the commitment policy submitted with the road acceptance documents.
- (i) 6 months prior to expiration of the bond, letter of credit, or certified check, the Public Works Director or his designee shall conduct a final inspection of said streets/roads.
- (j) Final Inspection Report.
  - (1) After the final inspection has been accomplished, the Public Works Director shall complete a final inspection report and forward the original to the Board of Commissioners and a copy to the subdivider/owner/developer. This report will indicate any deficiencies noted and what the contractor must correct/complete to bring the road into compliance with the county's standards for new road construction.
  - (2) If the street/road does not meet standards within 60 days, the subdivider/owner/developer's bond or letter of credit will be called in, or the cash bond utilized, to accomplish required corrections.
  - (3) If there are no deficiencies, the report will so indicate and at the end of the 4-year guarantee period, the bond, letter of credit, or a check in the amount of the original certified check shall be returned to the subdivider/owner/developer.
- (k) Guarantees.
  - (1) In the event a subdivision is developed in 2 or more phases, at the beginning of street/road development in each phase the subdivider/owner/developer must first furnish/post a surety bond, letter of credit, or certified check to the Board of Commissioners to guarantee existing county roads in the subdivision against damage directly attributable and caused by heavy truck traffic in the delivery of building materials and equipment in the construction of new structures within the subdivision.
  - (2) Said bond, letter of credit, or certified check shall be in the amount of 75% of the cost to pave the existing road, with each succeeding year to remain the same until the development is 90% completed and if any repairs are required as a result of damage by heavy equipment, the developer will be billed for 75% of the repair costs in the form of a report of damage along with a list of repairs which must be accomplished.
  - (3) If payment is not made to the County within 60 days, the subdivider/owner/developer will not be issued additional building permits for the subject subdivision until restitution is made.
  - (4) It shall be the responsibility of the subdivider/owner/developer to notify the Board of Commissioners when the development is 90% complete, and upon verification of

same by the appropriate county department, if the bond or letter of credit have not been called in, or the certified check not utilized for repairs, the bond or letter of credit, or a check in the amount of the original certified check shall be returned to the subdivider/owner/developer.

**Sec. 1118. Development Permits for Structures within a Floodplain.**

**1118.01 General Requirements.**

- (a) Required. A development permit shall be required in conformance with the provisions of this article prior to the commencement of any development activities.
- (b) Permit procedures. Application for a development permit shall be made to the Community Development Department on forms furnished by the Department prior to any development activities, and may include, but not be limited to the following: plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions, of existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities.

**1118.02 Development Permit Application Requirements.**

- (a) Depiction of elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures.
- (b) Depiction of elevation in relation to mean sea level to which any non-residential structure will be flood-proofed.
- (c) Design certification from a registered professional engineer or architect that any proposed non-residential floodproofed structure will meet the floodproofing criteria of Section 831.02(b).
- (d) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development.

**1118.03 Construction Stage Submittal Requirements.**

- (a) Certification Required.
  - (1) For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the regulatory floor elevation or floodproofing level immediately after the lowest floor or floodproofing is completed.
  - (2) Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.
  - (3) When floodproofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.
- (b) Review of Certification Data.
  - (1) The Community Development Director shall review the above referenced certification data submitted.



- (2) Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed.
- (3) Failure to submit certification or failure to make said corrections required hereby, shall be caused to issue a stop work order for the project.

**Sec. 1119. Land Disturbance Permits.**

**1119.01 Responsibility for Development Actions.**

- (a) No person shall conduct any land-disturbing activity, including grading, clearing and grubbing, tree clearance, land development or project construction without first obtaining a land disturbance permit from the Community Development Department to perform such activity.
- (b) Any person proposing development shall first submit to the Community Development Department an application for a land disturbance permit for site development, including all construction plans required by this Development Code. The application must be authorized by the property owner.
- (c) The Community Development Department is responsible for administering the review and approval process for issuance of land disturbance permits. The Community Development Department shall forward a copy of the permit application, including the construction plans for the project, to other County department heads, the Soil and Water Conservation Commission District, the GDOT or others as appropriate, for their review and comment. The Community Development Department shall provide all comments to the applicant for resolution. The Community Development Director or designee shall issue the land disturbance permit when all requirements of this Development Code and other agencies are met.
- (d) Approval of plans by the appropriate department or agency shall not imply or transfer acceptance of responsibility for the application of the principles of engineering, architecture, landscape architecture or any other profession, from the design professional under whose hand or supervision the plans were prepared.
- (e) The completion of inspections and authorization for work continuation shall not transfer responsibility for the quality of the work performed or materials used from the owner, nor imply or transfer acceptance of responsibility for project design or engineering from the design professional under whose hand or supervision the plans were prepared.
- (f) No permit shall be interpreted to relieve any owner of the responsibility of maintaining full compliance with all applicable codes, ordinances and other regulations. Any land disturbance permit issued in error or in contradiction to the provisions of this Development Code shall be considered to have been null and void upon its issuance.
- (g) Liability.
  - (1) The approval of an erosion and sedimentation control plan or other plans under the provisions of this Development Code, the issuance of a land disturbance permit, or the compliance with any other provisions of this Development Code shall not relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Board of Commissioners or the Soil and Water Conservation District for damage to any person or property.

- (2) The fact that any activity for which a land disturbance permit has been issued results in injury to the property of another shall neither constitute proof of, nor create a presumption of, a violation of the standards provided for in this Development Code or the terms of the land disturbance permit.

**1119.02 Development Activities Authorized.**

A land disturbance permit shall be issued to authorize site development activities associated with development activity regulated by this Development Code, including, but not limited to, clearing and grubbing, grading and the construction of such improvements as streets, surface parking areas and drives, storm water drainage facilities, sidewalks, water or sewerage utilities, or other structures permanently placed on or in the property except for buildings, signs, or other structures requiring the issuance of a building permit.

**1119.03 Floodplain Management Requirements.**

If development or construction is proposed within or affecting an area of special flood hazard, approval of a land disturbance permit shall be dependent on compliance with the Provisions for Flood Hazard Reduction in Article 8 and Article 10 of this Development Code.

**1119.04 Process for Approval of Land Disturbance Permit.**

An application for a land disturbance permit may proceed simultaneously with an application for project approval of a preliminary subdivision plat or site plan but may not be issued prior to approval of such plat or plan by the Community Development Department.

- (a) The application for a land disturbance permit shall be submitted to the Community Development Department and must include the following:
  - (1) Application on the form furnished by the Community Development Department, requesting review for issuance of a land disturbance permit.
  - (2) Copies in the number required by the Community Development Director of:
    - a. The preliminary plat or preliminary site plan requesting or reflecting project approval by the Community Development Director or designee.
    - b. The construction plans prepared in conformance with the specifications and standards in this Development Code under Section 1120, below.
    - c. The hydrology study.
  - (3) Payment of any land disturbance permit fee, as established from time to time by the Board of Commissioners.
- (b) The application will be checked for completeness within 5 work days of its submission. Incomplete applications will be returned to the applicant, who shall have 3 work days in which to resubmit the application complete in all respects.
- (c) Upon acceptance of a land disturbance permit application, the Community Development Director shall:
  - (1) Refer the soil erosion and sedimentation control plan to the Soil & Water Conservation District for their review and approval or disapproval concerning the adequacy of the erosion and sedimentation control plan. No land disturbance permit will be issued

unless the plan has been approved by the District and the Community Development Department, and any variances and bonding, if required, have been obtained.

- (2) Refer the grading plan, the stormwater management plan, the floodplain management/flood damage prevention plan (if any), and the street improvements plan to the Community Development Department for its review and approval or disapproval. No land disturbance permit will be issued unless the plans have been approved by the Community Development Department.
  - (3) Refer the water and sewerage public utility plans to the Community Development Department for its review and approval or disapproval.
  - (4) Refer the on-site septic system plans to the Health Department for its review and approval or disapproval.
- (d) The applicant may be required by the Community Development Director to secure development approval from other agencies if they are affected by the development. development approval may be required from but not limited to:
- (1) Harris County Volunteer Fire Department
  - (2) State Fire Marshal.
  - (3) Georgia Department of Transportation.
  - (4) Georgia Department of Natural Resources.
  - (5) U.S. Army Corps of Engineers.
  - (6) U.S. Environmental Protection Agency.
- (e) Upon receipt of comments from other departments and agencies, and upon review by the applicable County departments, the Community Development Director or designee will indicate on 1 or more copies of the development construction plans or in writing all comments related to compliance with this Development Code, conditions of zoning approval, and other regulations or ordinances, as appropriate.
- (f) The Community Development Director or designee will forward all comments to the applicant.
- (g) Approval, denial or comments, if any, shall be provided to the applicant as soon as practical, but in no case more than 90 days from receipt of a complete application for a land disturbance permit.
- (h) The applicant will be responsible for compliance with all codes, regulations and zoning requirements and for the satisfaction of all of the comments received. The owner will also be responsible for obtaining approval from all other agencies affected by the project.
- (i) No land disturbance permit will be issued unless the applicant provides a statement by the County Tax Commissioner's office certifying that all ad valorem taxes levied against the property and due and owing have been paid.

**1119.05 Issuance of Land Disturbance Permit.**

- (a) Following satisfaction of all comments, receipt of approvals from all affected agencies and receipt of all required bonds, a final set of development construction plans shall be submitted to the Community Development Department. Upon certification from the

Community Development Director that all issues have been resolved, the Community Development Director shall issue a land disturbance permit authorizing development activities to begin based on the approved final development construction plans.

- (b) If the tract is to be developed in phases, then a separate permit shall be required for each phase.
- (c) Additional provisions regarding permits are found in Article 8 and Article 10 of this Development Code.

**1119.06 Expiration of Land Disturbance Permit.**

- (a) A land disturbance permit shall expire if the development activity described in the permit is not begun within 1 year from the date of issuance or if such activity is suspended for 12 months. Written notice of pending expiration of the land disturbance permit may be issued by the Community Development Department.
- (b) Any change or amendment of design and construction plans for the project that may materially impact or negate the permit based on original approval of the plan shall require a permit amendment. All such amendments shall be applied for in writing and follow the same procedure for approval as original applications for a land disturbance permit, subject to the requirements of this Development Code applicable as of the date of application of such amendment.

**Sec. 1120. Preparation of Development Construction Plans**

**1120.01 General Requirements: Development Construction Plans.**

Upon approval of a preliminary plat or preliminary site plan:

- (a) The owner shall obtain an engineering layout and profile of all proposed streets, utilities, storm drainage and other improvements for the development prepared by a Licensed Professional Engineer, Landscape Architect, or Land Surveyor.
- (b) Any utility system design must be performed by a Licensed Professional Engineer.
- (c) Said development construction plans shall include topographic data, existing and proposed contours, all signs and other required improvements specified in this Development Code.
- (d) No grading or clearing for construction of streets, utilities, storm drainage or other improvements shall commence until after written approval of the soil erosion and sediment control plan required by the Soil Erosion and Sedimentation Control regulations of Article 10 of this Development Code and provided that project engineering layout and road profiles have been approved by the Community Development Department who shall distribute the same to the applicable County departments for review, comment and subsequent correction by the developer before construction.
- (e) The development construction plans for a project shall conform in all respects with the requirements of this Development Code and shall include each of the plans in this Section as appropriate to the project. These include but are not limited to:
  - (1) Erosion and Sedimentation Control Plan;
  - (2) Grading Plan;
  - (3) Stormwater Management Plan;

- (4) Street Improvement Plan;
  - (5) Site Landscaping Plans;
  - (6) Public Utility Plans;
  - (7) On-site Septic System Plans; and
  - (8) Lighting Plans and/or any other required plans.
- (f) All development construction plans and supporting studies shall be prepared by or under the supervision of a professional engineer or landscape architect registered in the State of Georgia, provided, however, that nothing in this Section shall prohibit a Georgia licensed design professional from providing services in a manner consistent with State regulations governing said design professionals.
- (g) The plans shall be drawn on standard size sheets as determined by the Community Development Department.
- (h) One copy of approved development construction plans must be at the job site when work is in progress.

**1120.02 Erosion and sedimentation control plan**

The application and plan requirements for erosion and sedimentation control plans are found in Article 10 of this Development Code.

**1120.03 Grading plan**

The grading plan may be combined with the erosion and sedimentation control plan if possible, to maintain plan clarity.

- (a) Grading plans shall identify existing and planned topographic contours as required for erosion and sedimentation control plans.
- (b) Grading plans shall include a Wetlands Certification indicating whether or not wetlands are located on the property. The design professional that prepared the grading plans shall add a statement to the grading plan sheet indicating whether or not wetlands are located on the property by checking the appropriate box. The Wetlands Certification shall read as follows:
  - (1) Wetlands Certification: The design professional whose seal appears herein certifies the following: 1) the US Fish and Wildlife Services National Wetlands Inventory (NWI) Wetlands Map and the Wetlands Protection Map (Comprehensive Plan) have been consulted; 2) the appropriate plan sheet does/does not (choose one) indicate wetlands as shown on the map or as determined by a certified wetlands delineator; and 3) if wetlands are indicated the landowner or developer has been advised that land disturbance of protected wetlands shall not occur unless the appropriate Section 404 Permit or Letter of Permission has been obtained from the US Army Corps of Engineers for jurisdictional wetlands, or approval has been obtained from Harris County to disturb other (non-jurisdictional) wetlands.
- (c) If the property contains any area of special flood hazard (the 100-year flood plain), grading plans in and around the flood plain shall be designed in conformance to all requirements relating to Flood Damage Prevention under Article 10 of this Development Code.

- (d) Grading plans shall outline any area that is required to remain undisturbed, such as a natural zoning buffer, stream buffer or wetland (see the landscaping and buffers standards in Article 4 and the Environmental Protection standards in Article 8 of this Development Code) and shall identify, describe and illustrate the protective fencing and signage to be placed surrounding such areas, along with notes regarding protection of undisturbed areas that shall read as follows:

- (1) Undisturbed Area Notes:

- a. All protection devices for undisturbed areas must be installed and inspected prior to clearing, grubbing or grading. Call the Community Development Department for an inspection.
- b. Tree protection shall be strongly enforced. No activities of any kind are to be allowed within any area shown to be undisturbed on this plan.
- c. The retention and planting of trees as shown on this plan must be verified prior to issuance of a Certificate of Occupancy or acceptance of the project by the Community Development Department. Call the Community Development Department for an inspection.

**1120.04 Stormwater Management Plan.**

The application and plan requirements for stormwater management plans are found in the Erosion Control and Stormwater Management Article of this Development Code.

**1120.05 Street Improvement Plan.**

- (a) Center line profiles and typical street sections of all proposed streets shall be required. Profiles shall be drawn on standard plan and profile sheets with plan sections showing street layout, pavement and right-of-way width, curvature, and required drainage facilities. Typical street sections shall be provided for street widening.
- (b) Where sanitary sewer or stormwater sewers are to be installed within a street, the grade, size, location, class of pipe and bedding type, and the location and invert elevation of manholes shall be indicated on the road profile.
- (c) Center line profiles covering streets that are extensions of existing streets shall include elevations at 50-foot intervals for such distance as may be adequate to provide continuity consistent with the standards required by this Development Code for street improvements, but no less than 100-foot intervals.
- (d) All plan elevations shall be coordinated and sited into any U.S. Coast and Geodetic Survey or GDOT benchmarks within 1,200 feet of the street, or into reference monuments established by the Federal Emergency Management Agency.
- (e) A street striping plan, showing striping in accordance with the Manual on Uniform Traffic Control Devices, latest edition as published by the Federal Highway Administration, shall be prepared for any street newly constructed or widened to 4 or more lanes.

**1120.06 Site Landscaping Plans.**

All proposed landscaping as required by this Development Code for parking lot landscape areas and parking lot trees; in zoning buffers; and trees and other landscaping to be retained or planted as required by the provisions of this Development Code or conditions of zoning

approval, shall be illustrated on plans as described in this Section. The plans may be consolidated as one Site Landscaping Plan if the information can be clearly shown.

(a) General requirements for all landscaping and buffer plans.

- (1) Landscaping and buffer plans should be drawn at a scale of between 1 inch=20 feet and 1 inch=50 feet, or as needed to clearly illustrate the proposed plantings. Multiple sheets keyed to an index sheet may be used.
- (2) Each plan sheet is to indicate:
  - a. The name of the development and its acreage.
  - b. Name, address, telephone and fax numbers of the property owner and subdivider or developer.
  - c. Name, address, telephone, e-mail address, and fax numbers of the applicant.
  - d. Name, address, telephone and fax numbers of the individual or company responsible for the design. The name, registration number and seal of the landscape architect under whom the plan was prepared shall be stamped on the plan and signed.
  - e. Date of survey, north point and graphic scale, source of datum, date of plan drawing, and revision dates, as appropriate.
- (3) The location and size of all underground or aboveground utilities on the site, including the limits of any public or private utility easements and stormwater detention areas, are to be shown.
- (4) The standards and requirements for the quality and type of plant materials and their installation and maintenance are contained in Article 4 of this Development Code are to be indicated.

(b) Landscape plan requirements

Landscaping plans must include the following, as appropriate to the landscaping requirements of this Development Code:

- (1) The location of all existing and proposed streets, sidewalks, parking lots and other paved surfaces.
- (2) The footprint of all existing and proposed structures.
- (3) The boundaries of all natural/undisturbed/landscaped zoning buffers, stream buffers, and other areas required to remain undisturbed along with description of protective fencing and signage requirements.
- (4) The boundaries of each landscape area required by this Development Code or conditions of zoning approval.
- (5) A planting plan showing location, size, common name and Latin name of proposed plant materials in required landscaping areas, as required by this Development Code, or as required by conditions of zoning approval. Existing plant materials that are intended to be retained and contribute to meeting requirements shall also be shown and clearly indicated.

(c) Buffer plan.

A buffer plan shall be prepared for any natural/undisturbed/landscaped or structural zoning buffer required in accordance with the specifications and standards contained in this Development Code or conditions of zoning approval. The buffer plan shall show:

- (1) The boundaries of each required zoning buffer area.
- (2) The location and size of all underground or aboveground utilities on the site, including the limits of any public or private utility easements and stormwater detention areas.
- (3) Methods to be employed to protect the drip line areas of trees in natural zoning buffers from disturbance during construction.
- (4) Proposed plantings intended to achieve and/or maintain an opaque visual buffer.
- (5) Proposed locations and construction details for any structural buffer that may be proposed, including fences, walls and earthen berms.

**1120.07 Public Utility Plans.**

- (a) A domestic water supply plan shall be provided if connection to a public water system is proposed or required, and shall depict all water system improvements, water mains, fire hydrants, valves and other appurtenances and information as required by the Water Works Department.
- (b) A sewage disposal plan shall be provided if connection to a public sewer system is proposed, and shall depict all sanitary sewer infrastructure, including profiles of all mains and outfalls, lift station and force main details, typical manhole construction details, and other information as may be required by the Water Works Department.

**1120.08 On-Site Septic System Plans.**

For projects approved to be served by on-site sewage disposal systems, all plans and data required by the Health Department shall be submitted to and approved by the Health Department.

**Sec. 1121. Digital Submission Requirements: As-built Data and Final plans.**

In addition to the requirements of this Development Code for the submission of printed copies, as-built data drawings and all final plats approved for recordation shall be submitted to the Community Development Director in a digital format as follows:

- (a) Digital drawing files shall be submitted in AutoCAD DWG or DXF format and shall include:
  - (1) Final plat as approved.
  - (2) Model space drawing of the engineering plans, reflecting any changes approved by the Community Development Department.
- (b) The DXF or DWG file shall have data divided into the following distinct and separate layers:
  - (1) Parcel Lines (PL).
  - (2) Right-Of-Way (ROW).
  - (3) Boundary (BL).
  - (4) Water Lines (WL), when available.



- (5) Sewer Lines (SL), when available.
- (6) Electrical Lines (EL), when available.
- (7) GPS Monuments, when required or available.
- (c) In engineering plans, line and arc data must be unbroken where appropriate, such as no breaks in intersecting lot lines at corner pins and no breaks in utility lines.
- (d) The projection shall be in Georgia State Plane West Coordinate System North American Datum 1983.
- (e) Control shall be indicated.
- (f) Such additional information or requirements as may be established by the Community Development Director or designee necessary to convert the DXF or DWG file to ArcGIS format.

#### **DIVISION 4. OTHER PERMITS.**

### **Sec. 1122. Soil, Erosion, Sedimentation and Pollution Control.**

#### **1122.01 General.**

- (a) The property owners, developer and designated planners and engineers shall design and review before submittal the general development plans.
- (b) The local issuing authority shall review the tract to be developed and the area surrounding it. They shall consult this Development Code and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the county.
- (c) The owner and/or operator are the only parties who may obtain a permit.

#### **1122.02 Application Requirements.**

- (a) No person shall conduct any land-disturbing activity within the jurisdictional boundaries of Harris County without first obtaining a permit from the Community Development Department to perform such activity and providing a copy of the NOI submitted to EPD if applicable.
- (b) The application for a permit shall be submitted to the Community Development Department and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Section 1122.03 of this article. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed to be carried out in such a manner that the provisions of Sections 1005.02 and 1005.03 of this Article will be met. Applications for a permit will not be accepted unless accompanied by three copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-.10.
- (c) A permit fee in the amount indicated on the Fee Schedule approved by the Board of Commissioners shall be charged for application.

- (d) In addition to the foregoing permitting fees, fees will also be assessed pursuant to O.C.G.A. § 12-5-23(a)(5), provided that such fees shall not exceed the dollar amount per acre of land-disturbing activity, as approved by DNR/EPD, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to O.C.G.A. § 12-7-8(a) half of such fees levied shall be submitted to the division; except that any and all fees due from an entity which is required to give notice pursuant to O.C.G.A. § 12-7-17(9) or (10) shall be submitted in full to the division, regardless of the existence of a local issuing authority in the jurisdiction.
- (e) Immediately upon receipt of an application and plan for a permit, the local issuing authority shall refer the application and plan to the district for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The district shall approve or disapprove a plan with 35 days of receipt. Failure of the district to act within 35 days shall be considered an approval of the pending plan. The results of the district review shall be forwarded to the local issuing authority. No permit will be issued unless the plan has been approved by the district, and any variances required by section 1005.03(o) of this article have been obtained, all fees have been paid, and bonding, if required as per section 1006.02(g) of this article, have been obtained. Such review will not be required if the local issuing authority and the district have entered into an agreement which allows the local issuing authority to conduct such review and approval of the plan without referring the application and plan to the district. The local issuing authority with plan review authority shall approve or disapprove a revised plan submittal within 35 days of receipt. Failure of the local issuing authority with plan review authority to act within 35 days shall be considered an approval of the revised plan submittal.
- (f) If a permit applicant has had 2 or more violations of previous permits, this article section, or the Erosion and Sedimentation Act, as amended, within 3 years prior to the date of filing of the application under consideration, the local issuing authority may deny the permit application.
- (g) A permit applicant is required to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, the dollar amount per acre or fraction thereof of the proposed land-disturbing activity, as approved by DNR/EPD, prior to issuing the permit. If the applicant does not comply with this article or with the conditions of the permit after issuance, the local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the local issuing authority with respect to alleged permit violations.

**1122.03 Plan Requirements.**

- (a) Plans must be prepared to meet the minimum requirements as contained in section 1005.02 and 1005.03 of this Article; or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The Manual for Erosion and Sediment Control in Georgia is hereby incorporated by reference into this article. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation,

proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and state laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the commission and in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.

- (b) Data required for site plan shall include all the information required from the appropriate erosion, sedimentation and pollution control plan review checklist established by the commission as of January 1 of the year in which the land-disturbing activity was permitted.

**1122.04 Permits.**

- (a) Permits shall be issued or denied as soon as practicable but, in any event, not later than 45 days after receipt by the local issuing authority of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit may include conditions under which the activity may be undertaken.
- (b) No permit shall be issued by the local issuing authority unless the erosion, sedimentation and pollution control plan has been approved by the district and the local issuing authority has affirmatively determined that the plan is in compliance with this article, any variances required by section 1005.03(o) of this article are obtained, bonding requirements, if necessary, as per section 1006.02(g) of this article are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the local issuing authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
- (c) Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this article, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.
- (d) If the tract is to be developed in phases, then a separate permit shall be required for each phase.
- (e) The permit may be suspended, revoked, or modified by the local issuing authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion, sedimentation and pollution control plan or that the holder or his successor in title is in violation of this article. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
- (f) No permit shall be issued unless the applicant provides a statement by the Tax Commissioner's Office certifying that all ad valorem taxes levied against the property and due and owing have been paid. The local issuing authority may reject a permit application if the applicant has had 2 or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. § 12-7-7(f)(1).

**Sec. 1123. Environmental Approval: Aquifer Recharge Area.**

**1123.01 Permit Requirements.**

- (a) Any development within an aquifer recharge area must obtain a local development permit from the Community Development Department.
- (b) Issuance of a local development permit is contingent on full compliance with the terms of this article and other applicable regulations.

**1123.02 Aquifer Protection Site Plan Requirements.**

Applications for a development permit within the aquifer recharge area district shall include a site plan, with the exception of certain exempted activities identified in this Section. The following information is required for all site plans:

- (a) A map, drawn to a scale of 1 inch = 50 feet, showing all planned improvements including the width, depth, and length of all existing and proposed structures, roads, watercourses, and drainage ways; water, wastewater, and stormwater facilities; and utility installations.
- (b) Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site.
- (c) The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.
- (d) Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than five feet.
- (e) Location and detailed design of spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
- (f) Calculations of the amount of cut and fill proposed and cross-sectional drawings showing existing and proposed grades in areas of fill or excavation. Elevations, horizontal scales, and vertical scales must be shown on cross-sectional drawings.
- (g) Activities to comply with site plan. All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan. Significant changes to the site plan, that would alter the amount and velocity of stormwater runoff from the site, increase the amount of impervious surface with the development, alter the overall density of development, result in a considerable increase in the amount of excavation, fill, or removal of vegetation during construction, or otherwise result in an alteration of the overall appearance of the development as proposed, can be amended only with the approval of the Harris Community Development Department. Minor changes, such as realignment of streets, or minor alterations to drainage structures and other infrastructure, to meet unexpected conditions, are exempted from this requirement.

**1123.03 Exemptions from Site Plan Requirements.**

The following activities and developments are exempt from the requirements for detailed site plans:

- (a) Single-family detached homes constructed within a subdivision of fewer than five parcels.
- (b) Repairs to a facility that is part of a previously approved and permitted development.
- (c) Construction of minor structures, such as sheds, or additions to single-family residences.

**1123.04 Activities to Comply with Site Plan.**

All activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan. The site plan may be amended only with the approval of the Community Development Department.

**1123.05 Permit Review Procedures.**

- (a) The application shall be made to the Community Development Department and will be reviewed within 45 working days. The review period shall include the preparation of findings (approval or disapproval) by the Community Development Department.
- (b) The applicant will receive written notification of the findings of the Community Development Department. If the review process is not completed within 45 working days, the application is considered to be approved.
- (c) Decisions of the Community Development Department may be appealed to the Planning Commission in accordance with the "Appeals" Division of this Article.

**1123.06 Duration of Permit Validity.**

- (a) If construction described in the development permit has not commenced within 12 months from the date of issuance, the permit shall expire.
- (b) If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire 12 months after the date that work ceased.
- (c) Written notice of pending expiration of the development permit shall be issued by the Community Development Department.

**Sec. 1124. Environmental Approval: Wetlands Protection.**

**1124.01 Permit Requirements.**

- (a) No regulated activity will be allowed within the Generalized Wetland Protection District without written permission from the Community Development Department in the form of a local development permit.
- (b) Issuance of a local development permit is contingent on full compliance with the terms of this article and other applicable regulations.
- (c) All activities that are not identified in Section 811 or by other local development ordinances, shall be prohibited without prior issuance of a local development permit.
- (d) If the area proposed for development is located within 1,320 feet of the Generalized Wetland Protection District boundary, as determined from the Generalized Wetland Map, a U.S. Army Corps of Engineers determination shall be required. If the Corps determines that wetlands are present and that a Section 404 permit or letter of permission is required, a local development permit will be issued only following issuance of the Section 404 permit or letter of permission.

**1124.02 Wetland Protection Site Plan Requirements.**

Applications for a development permit within the Generalized Wetland Protection District shall include a site plan, drawn at a scale of 1 inch = 50 feet, with the following information:

- (a) A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale, and vertical scale must be shown on the cross-sectional drawings.

- (b) Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of 100 feet.
- (c) The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.
- (d) Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than two feet.
- (e) Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
- (f) All proposed temporary disruptions or diversions of local hydrology.

**1124.03 Activities to Comply with Site Plan.**

All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan. The site plan may be amended only with the approval of the Community Development Department. The County may require a bond in the amount of \$1,000.00 or more.

**1124.04 Filing fee.**

At the time of the application, the applicant shall pay a filing fee specified by the Community Development Department. This fee may be used to retain expert consultants who will provide services pertaining to functional assessment and mitigation measures as deemed necessary by the Department of Community Development.

**1124.05 Bond.**

The Department of Community Development may require a bond in an amount of \$1,000.00 or more and with surety and conditions sufficient to secure compliance with the conditions set forth in the permit. The particular amount and the conditions of the bond shall be consistent with the purposes of this article. In the event of a breach of any condition of any such bond, the Department of Community Development may institute an action in a court of competent jurisdiction upon such bond and prosecute the same to judgment and execution.

**1124.06 Permit Review Procedures.**

- (a) The application shall be made to the Community Development Department and will be reviewed within 45 working days. The review period shall include the preparation of findings (approval or disapproval) by the Department of Community Development.
- (b) The applicant will receive written notification of the findings of the Community Development Department. If the review process is not completed within 45 working days, the application is considered to be approved.

**1124.07 Duration of Permit Validity.**

- (a) If construction described in the development permit has not commenced within 12 months from the date of issuance, the permit shall expire.
- (b) If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire 12 months after the date that work ceased.
- (c) Written notice of the pending expiration of the development permit shall be issued by the Department of Community Development

**Sec. 1125. Tree Removal.**

Timber harvesting requirements shall be as specified in Section 345 of Article 3 (Restrictions on Particular Uses) of this Development Code.

**Sec. 1126. Driveway permits.**

**1126.01 Driveway Permit Requirements.**

- (a) Property owners shall secure a permit from the Public Works Department for the construction of driveways leading from county roads, to give access to their property.
- (b) Any person desiring a driveway leading from a county road shall make application for a permit from the Public Works Director to construct the driveway.
- (c) The application for a permit shall contain the following information (the permit shall contain the same information that is contained on the application):
  - (1) The name, address and phone number of the applicant;
  - (2) The location of the property; and
  - (3) The date the driveway is to be installed.
- (d) Upon receipt of the application, the Public Works Director shall inspect the site to determine if a driveway pipe is required and that the slope is in accordance with county standards. If a pipe is required, he shall establish the size and length of pipe needed.
- (e) If a pipe is needed, it shall be installed under the supervision of the Public Works Director to ensure installation in accordance with county standards.
- (f) The permit shall be posted in a conspicuous place at the site during installation.
- (g) If an extension of time is required by the applicant to install the pipe or construct the driveway, an extension may be granted by the Public Works Director if request is made seven days prior to the expiration of the permit.
- (h) Failure to comply with any of the conditions in this section may result in the driveway being closed by the county until compliance is obtained.

**Sec. 1127. Building Permits.**

**1127.01 Building Permits; Required.**

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, but not including accessory structures 400 square feet or less and located in A-1, R-1 and R-2 districts, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair (except necessary repairs, not affecting the external or party walls, chimneys, stairways or heights of the buildings) of any structure, including accessory structures, until the Community Development Director has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this ordinance. Application for a building permit shall be made to the building inspector on forms provided for that purpose.

**1127.02 Approval of Plans and Issuance of Building Permit.**

- (a) It shall be unlawful for the Community Development Director to approve any plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this ordinance. To this end, the Community Development Director shall require that every application for a building permit for excavation, construction, use of land, moving or alteration be accompanied by a plan or plat drawn to scale and showing the following in sufficient detail to enable the Community Development Director to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this ordinance, and applicable building codes.
  - (1) The actual shape, proportion and dimensions of the lot to be built upon.
  - (2) The shape, size, and location of all buildings or other structures to be erected, altered or moved and any building or other structures already on the lot.
  - (3) The existing and intended use of all such buildings or other structures.
  - (4) The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.
  - (5) Must have certificate from Health Department that property will conform to all health standards.
- (b) If the proposed excavation, construction, moving or alteration as set forth in the application, are in conformity with the provisions of this ordinance and other related laws and ordinances, the Community Development Director shall issue a building permit accordingly. If an application for a building permit is not approved, the Community Development Director shall state in writing on the application the cause of such disapproval. Issuance of a building permit shall, in no case, be construed as waiving any provision of this ordinance.

**1127.03 Expiration of Building Permit.**

If the work described in any building permit has not begun within 6 months from the date of issuance thereof, said permit shall expire.

**1127.04 Certificate of Occupancy Required.**

- (a) No land or building or other structure or part thereof hereafter erected, moved or altered in its use shall be used until the county inspector/building official has issued a certificate of occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions of this ordinance.
- (b) Within 3 days after the owner or his agent has notified the Community Development Department that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Community Development Director to make a final inspection thereof, and to issue a certificate of occupancy if the building or premises or part thereof is found to conform with the provisions of this ordinance, or if such certificate is refused, to state the refusal in writing with the cause.

**Sec. 1128. Sign Permits.**

Sign permit requirements and process shall be as specified in Section 708 of Article 7: Sign Regulations of this Development Code.



**Sec. 1129. Manufactured Home Permits.**

Permit requirements and processes for manufactured homes, including pre-owned manufactured homes, shall be as specified in Section 329 of Article 3 (Restrictions on Particular Uses as well as applicable provisions of Article 11 of this Development Code).

**Sec. 1130. Solar Collection System Permits.**

Permit requirements and processes for solar collection systems shall be as specified in Section 336 of Article 3 (Restrictions on Particular Uses) as well as applicable provisions of Article 11 of this Development Code.

**Sec. 1131. Inert Landfill Permits.**

Permit requirements and processes for inert landfills shall be as specified in Section 326 of Article 3 (Restrictions on Particular Uses) as well as applicable provisions of Article 11 of this Development Code and all applicable State and Federal requirements and limitations.

**Sec. 1132. Broadband Ready Community.**

**1132.01 Purpose**

This section is designed and intended to promote Harris County as a proactive county by being a broadband ready community.

**1132.02 Definitions.**

As used in this section, the following terms shall have the meanings indicated:

- (a) Broadband network project means any deployment of broadband services.
- (b) Applicant means a person applying for a permit for a broadband network project.
- (c) Permit means any local permit, license, certificate approval, registration, or similar form of approval required by policy, administrative rule, regulation, ordinance, or resolution with respect to a broadband network project.

**1132.03 Single Point of Contact.**

Harris County, Georgia, shall appoint a single point of contact for all matters related to a broadband network project.

- (a) The single point of contact shall be the Community Development Director of the Community Development Department. The applicable location, phone number and email address can be found on the Harris County website at [www.harriscountyga.gov/community-development](http://www.harriscountyga.gov/community-development); and
- (b) The single point of contact shall be available for matters related to a broadband network project or a related liaison who may direct such inquiry in real time, with general scope and responsibilities to including permitting and right-of-way; and
- (c) The single point of contact information must be current to maintain designation, by updating with such change in contact information on web pages and associated sources, within 15 calendar days of change.

**1132.04 Application Completeness Review.**

- (a) The Community Development Director shall determine whether an application is incomplete and notify the applicant by email of the determination within 10 calendar days of receiving the application.
- (b) If the Community Development Director does not respond to the applicant on whether the application is incomplete within 10 calendar days, the application shall be assumed to be completed on the 11th day.

**1132.05 Notification of Incomplete Application.**

- (a) If the Community Development Director determines that an application is incomplete, the notification by email to the applicant shall specify all required components of the submitted application that were considered incomplete.
- (b) The Community Development Director's response shall include a checklist of sequenced items that resulted in the application being deemed incomplete, and the review timeline shall be as follows:
  - (1) The applicant has up to 40 calendar days from the date of the notification of incompleteness to respond back with corrections; and
  - (2) If the applicant does not respond back within 40 calendar days, the application is deemed cancelled.
- (c) If the applicant does not respond back within 40 calendar days, the application is deemed cancelled. If within 10 calendar days, the Community Development Director does not respond to the applicant on whether the corrected application is incomplete, the application shall be assumed to be complete on the 11th day; and
- (d) The Community Development Director shall require a new submission and reset the process and application fees should an application be deemed incomplete a second time.

**1132.06 Approval or Denial Notification.**

If on or before the 11th day as described in herein, an application is deemed complete, the Community Development Director shall approve or deny an application within 10 calendar days unless a joint meeting between the applicant and the community development director is deemed as necessary.

- (a) If a joint meeting is deemed necessary, the joint meeting must occur within 15 calendar days of notification of completion and the joint meeting shall include:
  - (1) Where applicant is going to conduct work;
  - (2) When the work will be conducted;
  - (3) What type of work will be done;
  - (4) Who the community development director can contact for specific details or related questions; and
  - (5) Any permit seeking approval under application.
- (b) Following a joint meeting between the applicant and the Community Development Director, the director shall deny or approve the application within 10 calendar days.
- (c) Upon final approval, any required permit permitted shall be deemed issued.

**1132.07 Related Fees.**

- (a) Any fee imposed for the review of an application, issue of a permit, or performance of any other activity related to a broadband network project shall be reasonable, cost based, and nondiscriminatory to all applicants.
- (b) Any application fee that exceeds \$100.00 shall be considered unreasonable unless the Community Development Director can provide documentation justifying such fee based on a specific cost.

**1132.08 Other Information.**

- (a) Double fee. The county shall not require an application or permit(s) when already approved by an authorized state or federal jurisdiction. Provider shall notify and provide a copy of the approved permit to the department of community development prior to access of right-of-way within the county's jurisdiction.
- (b) Application validity timeline. Any approved application shall be valid for 6 months from the date of approval. Should a provider not commence the service request qualified in the approved application within 6 months, the application shall expire, and it shall require a new permit approval and any associated fees, as applicable.
- (c) Single service drop. The county shall not require a permit for a broadband service provider to perform an installation of a broadband service at an individual customer's service address as long as the facility being utilized only transverses a de minimis portion of the public right-of-way to reach the customer's property. The provider must still comply with the provisions of chapter 9 of title 25 of the O.C.G.A.

**1132.09 County acknowledgement**

- (a) Harris County acknowledges that a Georgia Certified Broadband Ready Community has an affirmative duty to notify the Georgia Department of Community Affairs (DCA) of any changes to the information submitted as part of its application; and
- (b) Harris County acknowledges that failure to notify the DCA of changes may result in the revocation of Harris County's Broadband Ready Certification, should the certification be granted.

**DIVISION 5. FIELD CHANGES.**

**Sec. 1133. Field Changes.**

**1133.01 Field Change; Definition.**

A "field change" as used in this Code is approval by the County for a developer or builder to deviate from approved development construction plans or architectural building plans necessitated by unanticipated conditions discovered during the project or building construction process.

**1133.02 Field Change; Approval.**

- (a) Authority to approve field changes.
  - (1) Field changes may be approved by the Community Development Director or designee upon satisfactory review by the Director of the Department responsible for the improvement for which the change is proposed.

- (2) Approval shall not be given for any change that is inconsistent with any provision or requirement of this Development Code. Such a change must be considered as a variance under the provisions of this Development Code. Consistency with all other codes, regulations and ordinances is required unless an appeal is granted under the provisions of such applicable code, regulation or ordinance.
- (3) Approval shall not be given for any change that is inconsistent with the conditions of zoning approval imposed by the Board of Commissioners through the rezoning or Special Use approval process. Such a change must be considered and approved as a change in zoning conditions under Section 1106.02.

**1133.03 Process for Approval of Field Changes.**

- (a) A request for a field change shall be made to the Community Development Director. Revised development construction plans or architectural building plans, as applicable, must be submitted with the proposed change clearly indicated.
- (b) The revised plans shall be distributed to the appropriate department director responsible for plan review and approval related to the improvement for which the change is proposed (i.e., the "responsible Director") and to the Community Development Department for review and comment. Each department representative must respond within 10 work days of receipt of the plans that either:
  - (1) They have no comments;
  - (2) Plan review comments are forwarded;
  - (3) The information submitted is inadequate to determine consistency with regulations; or
  - (4) The proposed change is of a magnitude that further review is required.
- (c) Action on a field change request.
  - (1) Upon consideration of the plan review comments received (or notification of "no comments") from the responsible Director and other departments, the Community Development Director shall take appropriate action to approve, approve with modification, or deny the proposed field change, as appropriate.
  - (2) If further information or review time is required to consider adequately the proposed field change, the responsible Director shall coordinate the review and assure action on the request at the earliest reasonable time.
  - (3) The field change, as ultimately approved by the responsible Director and the Community Development Director, shall be documented by the developer or builder on revised development construction plans or architectural building plans, as applicable.

**1133.04 Emergency Field Change Requests.**

In the case of an emergency field change request, the responsible Director, with consideration to or oral comments from other potentially affected departments, may provisionally approve the proposed field change or provisionally approve it with modification. The provisions of such approval are:

- (a) The field change subsequently shall be formally requested, documented and reviewed under the process set forth under Section 1133.03;
- (b) The developer or builder requesting the field change accepts all responsibility and liability that may result from emergency approval relative to requirements resulting from the formal review;
- (c) All requirements resulting from the formal review shall be implemented by the developer or builder that requested the field change in a timely manner; and
- (d) The field change, as ultimately approved through the formal review, shall be documented on revised development construction plans or architectural building plans, as applicable.

## **DIVISION 6. APPEALS.**

### **Sec. 1134. Types of Appeals.**

Persons may appeal for relief under the following circumstances:

- (a) Special exception variance.  
When an exception (also referred to as a "waiver") is desired for a particular property from certain requirements of this Development Code, as specified in this Article.
- (b) Hardship variance.  
When compliance with the requirements of this Development Code would create a particular and unique hardship.
- (c) Flood damage prevention variance.  
When the requirements of this Development Code for flood damage prevention would create an exceptional hardship that would adversely affect the use of a property or an historic structure.
- (d) Administrative decision.  
When aggrieved by an action or an interpretation of the Planning Director or any other administrative official of the County made under this Development Code. An administrative official is defined as the head of any department subject to these regulations.

### **Sec. 1135. Special Exception Variance (Waivers).**

#### **1135.01 Special Exceptions; Authorized.**

Where the Planning Commission finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connection facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions. The process of Planning Commission consideration shall involve a public hearing in accordance with the procedures of Section 1105.

#### **1135.02 Conditions of Approval.**

In granting variances and modifications, the Planning Commission, or other review board, as applicable, shall require such conditions that will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

**1135.03 Easement Waivers.**

- (a) The Planning Commission shall have the authority to approve subdivision of property on an easement as provided for in this Article and applicable provisions of Article 5, where the creation of an easement is for the purpose of property division among family members (i.e. for property distribution to heirs through estate settlement). This section is intended to provide flexibility in preventing the creation of land locked properties situations where property is distributed among family members and not with the intention to provide an exemption to the requirement that all property front on public roads and not with the intention to provide an exemption to facilitate commercial subdivision development on private easement roads.
- (b) In the event that the request for subdivision among family members is disapproved by the Planning Commission, the decision denying such may be appealed to the Board of Commissioners within 30 days of the denial.

**Sec. 1136. Hardship Variances.**

**1136.01 Variances; authorized.**

Where the Board of Zoning Adjustments finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variations will not have the effect of nullifying the intent and purpose of the official map, or the Comprehensive Plan within this Development Code, if any or all of such exists. The process of Board of Zoning Adjustments consideration shall involve a public hearing in accordance with the procedures of Section 1105 and variance public hearings constituting quasi-judicial decisions shall be noticed consistent with Section 1104.04(a) and 1104.04(c).

**1136.02 Hardship Criteria.**

- (a) Primary variances shall only be granted by the Board of Zoning Adjustment and concurrent variances shall only be granted by the Board of Commissioners upon showing that, owing to special conditions, a literal enforcement of the provisions of this Development Code would result in unnecessary hardship and such approval will not be contrary to the public interest. A variance from the terms of this Development Code shall not be granted unless a written application is submitted demonstrating:
  - (1) The application of the particular provision of the zoning resolution to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public;
  - (2) That literal interpretation of the provisions of this Development Code would deprive the applicant of rights commonly enjoyed by other properties within the same district under the terms of this Code;
  - (3) That the special conditions and circumstances do not result from the actions of the appellant;
  - (4) That granting the variance requested will not confer on the appellant any special privilege that is denied by this Development Code to other lands, structures or buildings in the same district;

- (5) That the request is limited to the extent necessary to alleviate the unnecessary hardship and not as a convenience to the appellant nor to gain any advantage or interest over similarly zoned properties; and
- (6) Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Development Code.

**Sec. 1137. Floodplain Management Variances.**

**1137.01 In General.**

- (a) The provisions for floodplain management set forth in Article 8 (Environmental Resources Protection) are minimum standards for flood loss reduction; therefore, any deviation from the standards must be weighed carefully.
- (b) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of an historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
- (c) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.
- (d) The Community Development Director shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- (e) Upon consideration of the factors listed above and the purposes of this article, the Board of Commissioners may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.
- (f) Appeals to the Board of Zoning Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau affected by the decision of the administrative office of this ordinance.

**1137.02 Floodplain Management Variance Procedures.**

The following variance procedures apply specifically to the floodplain management provisions of this article.

- (a) The Board of Commissioners shall hear and decide requests for appeals or variance from the requirements of this article.
- (b) The Board of Commissioners shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the building inspection director in the enforcement or administration of this article.
- (c) Any person aggrieved by the decision of the Board of Commissioners may appeal such decision to the Superior Court of Harris County, as provided in O.C.G.A. § 5-4-1.
- (d) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

- (e) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- (f) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (g) In reviewing such requests, the Board of Commissioners shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this article.

**1137.03 Standards for Consideration of Floodplain Management Variances:**

A variance shall be issued only when there is:

- (a) A finding of good and sufficient cause;
- (b) A determination that failure to grant the variance would result in exceptional hardship; and
- (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

**1137.04 Filing Deadline.**

Such appeal shall be filed 30 days in advance in writing with the Community Development Department stating the grounds thereof. The Community Development Director shall transmit to the Board all papers constituting the record upon which the action appealed was taken.

**1137.05 Public Notice.**

- (a) Owners of properties abutting any property under consideration for a variance to the subdivision regulations shall be notified, by regular mail at the owner's address as shown by the Harris County Tax Records, of the proposed variance. Such notice shall be mailed at least 15 days prior to the scheduled hearing of the variance request.
- (b) The Board of Zoning Adjustment shall establish a meeting schedule for hearing of any appeals authorized under this Article. Notice of a public hearing to consider appeals before the Board of Zoning Adjustment shall be published within the newspaper of general circulation within the county 15 days prior to the hearing date and shall state the time, date, and location of the public hearing.

**1137.06 Notice to Abutting Property Owners.**

The board shall give written notice by regular mail to the owners, as shown by Harris County tax records, of property that abuts the property on which an appeal is filed. Such written notice shall include a description of the appeal and the time, date and location of the public hearing. All written notices required by this section shall be effective upon depositing such notice with the U.S. Postal Service with sufficient postage.

**Sec. 1138. Appeals of Administrative Decision.**

**1138.01 Appeals Procedures.**

- (a) Any person aggrieved by an administrative action or interpretation of an administrative official may initiate an appeal to the Board of Commissioners.



- (b) Decisions on permit applications made by the Community Development Department may be appealed to the Board of Commissioners.
- (c) The appeal must be made within 30 days of the date of the decision made by the Community Development Department.

**1138.02 Public Hearing Procedures.**

- (a) A public hearing shall be held for appeals in accordance with Section 1105.

**1138.03 Public Notice.**

- (a) Public announcement of the hearing shall be printed in the county's legal organ/newspaper at least 15 days, but not more than 45 days, prior to the hearing.

**Sec. 1139. Appeals of Planning Commission Decision.**

**1139.01 Appeals Procedures.**

- (a) Decisions on permit application appeals made by the Planning Commission may be appealed to the Board of Commissioners.
- (b) The appeal must be made within 30 days of the date of the decision made by the Planning Commission.

**1139.02 Public Hearing Procedures.**

- (a) A public hearing shall be held for appeals in accordance with Section 1105.

**1139.03 Public Notice.**

- (a) Public announcement of the hearing shall be printed in the county's legal organ/newspaper at least 15 days, but not more than 45 days, prior to the hearing.

**Sec. 1140. Appeals of Zoning Decisions.**

**1140.01 Appeals of Zoning Decisions.**

Any person, persons, or entities jointly or severally aggrieved by a final zoning decision may appeal in accord with O.C.G.A. § 36-66-5.1(a)(1).

**Sec. 1141. Board of Zoning Adjustment.**

The Board of Zoning Adjustment shall review and make decisions on applications as described in Section 1203 of Article 12 (Administration and Enforcement).

**1141.01 Meeting Procedures.**

- (a) Meetings of the Board of Zoning Adjustment shall be held at the request of the Community Development Department upon receipt of an application that requires Board of Zoning Adjustment review, and at such other times as the board may determine.
- (b) Such chairman, or in the absence of a chairman, an acting chairman, may administer oaths and compel attendance of witnesses.
- (c) All called meetings shall be open to the public.
- (d) Any party may appear in person or by agent or attorney at the hearing.

- (e) The Board of Zoning Adjustment shall keep minutes and records of its proceedings which shall be open to the public.
- (f) Public hearings for variances heard by the Board of Zoning Adjustment shall be conducted in accordance with the procedures and requirements set forth in Section 1105 of Article 11 (Procedures and Permits). Public legal notice of hearings by the Board of Zoning Adjustment shall be made in accordance with Section 1104.04(a)(2). Public hearing signage shall be posted in accordance with Section 1104.04(c). Letters property owners shall be issued in accordance with Section 1104.04(d).

**1141.02 Appeals of Board of Zoning Adjustment Decision.**

- (a) Any party aggrieved by any final judgment or decision of such Board of Zoning Adjustment, may within 30 days thereafter appeal therefrom of the Superior Court or court of like jurisdiction by filing with such board a written notice of appeal specifying the judgment or decision from which appeal is taken.
- (b) In case of such appeal such Board shall cause a transcript of the proceedings in the case to be certified to the court to which the appeal is taken and the case in such court to be tried de novo.

**Sec. 1142. Temporary Suspension of Permitting.**

Upon submission of a valid application for the granting of any type of appeal on a property, no permits shall be issued, nor shall any actions be undertaken on the property that may be affected by the outcome of such application.

**Sec. 1143. Title 5 Review.**

**1143.01 Authority to Approve Documents.**

**1143.02 In order to comply with O.C.G.A. § 36-66-5.1(c), the Chair of the Board of Commissioners, Planning Commission, and/or Board of Zoning Adjustment, as appropriate, is authorized to issue any form or certificate necessary to perfect the petition described in Title 5 of the O.C.G.A. for review of the Board of Commissioners, Planning Commission, and/or Board of Zoning Adjustment. Authority to Accept Service.**

For purposes of petition under Title 5 of the O.C.G.A., the Chair of the Board of Commissioners, Planning Commission, and/or Board of Zoning Adjustment, as appropriate, is authorized to accept service on behalf of the Respondent. The Chair to the Board of Commissioners is authorized to accept service of process on behalf of Harris County as opposite party.

## Article 12. Administration and Enforcement

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## Article 12. Administration and Enforcement

Article 12 sets out the structure, procedures and responsibilities of the various administrative officers and appointed officials for administering, amending and enforcing this Development Code, and sets out penalties for violations.

### Sec. 1201. Administrative Roles.

The following summarizes the roles of those involved in the administration and enforcement of this Development Code, as more specifically detailed in the appropriate Articles of this Development Code.

#### 1201.01 Community Development Director.

- (a) The provisions of this Development Code shall be administered and enforced by the Community Development Director, unless specified otherwise.
- (b) This official and his/her designees shall have the right to enter upon any premises at any reasonable time prior to the issuance of certificate of occupancy for the purpose of making inspections of buildings or premises necessary in carrying out his/her duties in the enforcement of this ordinance.

- (c) Reserved.

(1)

(2)

(3)

- (d) Amendments of Zoning Conditions.

An owner of property or authorized agent may file an application to amend any zoning conditions which have been made a part of a zoning decision by the Board of Commissioners if such changes requested cannot be effected under the provisions of Section 1201.01(a). Such application shall be made to the Community Development Director and shall be processed in accordance with the same procedures as those required for applications for proposed rezonings as provided in Article 11 of this Development Code.

- (e) Platting Authority for Minor Subdivisions.

The Community Development Director shall be the official platting authority for minor subdivisions. No minor subdivision plat shall be entitled to record in the office of the Clerk of Superior Court of Harris County unless it shall have the approval of the Community Development Director inscribed thereon.

- (f) Other Administrative Approval Authority.

(1) Field changes, as described in Section 1133 of Article 11 (Procedures and Permits) of this Development Code.

#### 1201.02 Code Enforcement Officer

- (a) It shall be the duty of the Code Enforcement Director, and they are hereby given the authority, to enforce the provisions of this Development Code.

#### 1201.03 Public Works Director.

- (a) The Public Works Director is responsible for the review of all applications related to the construction of development projects, the construction of roads and related facilities, and recommendations to the Community Development Director relating to the issuance of land disturbance permits.
- (b) The Public Works Director is responsible for technical advice and assistance to the Community Development Department in the review and enforcement of all requirements and restrictions of this Development Code relating to the design of subdivision improvements and development projects, the construction of roads, their continued maintenance and operation, and coordination of the installation of public and private utilities by others.

**1201.04 Water Works Director.**

- (a) The Water Works Director provides review and provides technical advice to the Community Development Department for all inspections during installation, of all water and sanitary sewer lines and appurtenances during the land development process.
- (b) The Water Works Director administers and enforces all codes and ordinances relating to potable water supply and distribution, and wastewater collection and treatment.

**Sec. 1202. Planning Commission.**

**1202.01 Planning Commission creation.**

A Planning Commission is hereby created for the county, as provided by the Board of Commissioners.

**1202.02 Planning Commission Powers.**

- (a) The Planning Commission shall have all the powers, duties and responsibilities set forth in the former statute known as the General Planning and Zoning Enabling Act of 1957, (Act No. 358), as amended.
- (b) The Planning Commission shall hear and make recommendations on applications for zoning changes (rezonings, special use approval), text amendments of this Development Code, master plans, and shall carry out such other duties as delegated by this Development Code and by the Board of Commissioners.

**1202.03 Platting Authority for Major Subdivisions.**

From and after the passage of this resolution, the Planning Commission shall be the official platting authority for major subdivisions, and no plat of land subdivision, except for minor subdivisions, shall be entitled to record in the office of the Clerk of Superior Court of Harris County unless it shall have the approval of the Planning Commission inscribed thereon. The filing or recording of a plat of a subdivision without the approval of the Planning Commission as required by this resolution is declared to be a misdemeanor. For the platting authority for minor subdivisions, see Section 1201.01(c).

**Sec. 1203. Board of Zoning Adjustment.**

A Board of Zoning Adjustment is hereby established.

**1203.01 Appointment.**

- (a) The Board of Zoning Adjustment shall consist of 5 members each to be appointed by the Board of Commissioners for a term of 3 years, with staggered terms.
- (b) Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment and members are removable by cause by the appointing authority upon written charges and after a public hearing. A new chairman shall be elected annually by the membership of the board.

**1203.02 Powers.**

- (a) The Board of Zoning Adjustment shall have the following powers:
  - (1) To hear and decide appeals where it is alleged there is an error in order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance or of any ordinance adopted pursuant thereto.
  - (2) In the case of manufactured housing units in place at the time of adoption of this ordinance, to hear and decide variances for the alteration or enlargement of nonconforming structures. This power shall not be exercised in conflict of provisions for damage to manufactured housing in the nonconforming uses section of Article 1 of this Development Code.
  - (3) To hear and decide variances from the district regulations where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property or where by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of a piece of property, the strict application of the district regulations would result in practical difficulties to, or undue hardship upon, the owner of the property, provided that this relief may be granted without substantially impairing the intent and purpose of the Development Code. In granting a variance, the Board may attach such conditions regarding the location, character and other features of a proposed building or structure as it may deem advisable to the purpose of the Development Code will be served and the public health, safety and welfare secured.
  - (4) The Board shall not have authority to grant a variance of the use or density requirements of the zoning district relating to the property for which a variance is requested.
  - (5) The Board of Zoning Adjustment does not have the power to rezone. Rezoning is purely a function of the Board of Commissioners.
  - (6) The owner of the property or his designated agent may apply for a permit based upon the granting of a variance, subject to all conditions imposed, for a period of 6 months from the date of the decision of the Board of Zoning Adjustment. If no permit is obtained before the expiration of the 6 months, the decision of the board shall be of no force and effect. Resubmission of the appeal shall be made in accordance with Article 11 of this Development Code.
- (b) In exercising the above-mentioned powers, the Board of Zoning Adjustment may reverse or affirm, wholly or partly, the decision or determination as ought to be made, and to that end shall have the powers of the officer from whom the appeal is taken. The concurring vote of 3 members of the Board shall be necessary to uphold or overturn the decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variance

to the requirement of this ordinance. The Board of Zoning Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return copies thereof or of such portions thereof as may be called on by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

**1203.03 Appeals.**

Appeals of a decision made by the Board of Zoning Adjustments shall be in accordance with provisions of Section 1141 and other applicable regulations in the "Appeals" Division of Article 11 (Procedures and Permits) of this Development Code.

**Sec. 1204. Development Authority.**

- (a) There is hereby determined and declared to be a pressing, existing and future need for a development authority (as more fully described and defined in the Development Authorities Law, O.C.G.A. § 36-62-1 et seq.), to function in the county for the purpose of developing and promoting, for the public good and general welfare, trade, commerce, industry and employment opportunities in the county, thereby promoting the general welfare of the citizenry.
- (b) There is hereby activated in the county the public body corporate and politic known as the Development Authority of Harris County, which was created upon the adoption and approval of the Development Authorities Law and particularly section 2 thereof (O.C.G.A. § 36-62-4).
- (c) There shall be appointed 7 members of the Board of Directors of the Development Authority, each of whom is a resident and taxpayer of the county and none of whom is an officer or employee of the county. They shall serve for staggered terms of 4 years.
- (d) The eighth member shall be a County Commissioner, only so long as serving as a duly elected member of the Board of Commissioners, and shall cease to be a member upon vacating, for any reason, the office of Commissioner.
- (e) If at the end of any term of office of any board member a successor has not been elected, then the board member whose term of office shall have expired shall continue to hold office until his successor shall be so elected.
- (f) The Board of Directors (board members) shall organize itself, carry out its duties and responsibilities and exercise its powers and prerogatives in accordance with the terms and provisions of the Development Authorities Law as it now exists and as it may be amended.

**Sec. 1205. Standards for Administrative Approvals.**

An administrative approval may be granted by the Community Development Director, following public notification in accordance with the provisions of Section 1104 and conduct of a public hearing in accordance with the provisions of Section 1105, upon findings that:

- (a) The relief, if granted, would not cause substantial detriment to the public good; and,
- (b) Would not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity; and,
- (c) Would not diminish and impair property values within the surrounding neighborhood; and,

- (d) Would not impair the purpose and intent of the Development Code.

**Sec. 1206. Amendment of Zoning Conditions.**

An owner of property or his authorized agent may file an application to amend any zoning conditions which have been made a part of a zoning decision by the Board of Commissioners if such changes requested cannot be effected under the provisions of Section 1201.01(d). Such application shall be processed in accordance with the same procedures as those required for applications for proposed amendments to the zoning maps as provided in Article 11 of this Development Code.

**Sec. 1207. Remedies.**

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

**Sec. 1208. Violation and Penalties.**

Penalties for violation of Development Code are as follows:

- (a) Any person, firm, or corporation who violates any provision of this Development Code, shall be guilty of a misdemeanor, and upon conviction in the magistrate court of this county, shall be fined an amount not to exceed \$1,000.00 or imprisoned up to 60 days or both for each violation. Each day such violation continues shall constitute a separate offense and shall subject such person, firm, or corporation to a fine or incarceration specified by this section for each such offense.
- (b) Ordinance violations may be tried in the Magistrate Court in Harris County, Georgia, upon citation issued by the Community Development Director or designated agent.
- (c) Each citation shall state the time and place at which the accused violator is to appear for trial, shall identify the violation with which the accused is charged, shall have an identifying number by which it shall be filed with the court, shall indicate the identity of the accused and the date of service, and shall be signed by the Community Development Director or designated agent who shall complete and serve the citation.
- (d) Prosecutions for violations of this ordinance in accordance with this section shall be commenced by the completion, signing and service of the citation by the Community Development Director or designated agent either of whom is authorized by this ordinance to issue citations. The original of the citation shall be personally served upon the accused, and a copy shall be promptly filed with the Magistrate Court.
- (e) No person shall be arrested prior to the time of trial for violations under this section, but any person who fails to appear at trial shall be arrested thereafter on a warrant of the magistrate and required to post a bond for his future appearance.

**Sec. 1209. Legal Status**



**1209.01 Interpretation:**

- (a) In the interpretation and application of this Development Code, the provisions shall be considered minimum requirements adopted for the promotion of the public health, safety, morals, and general welfare of the citizens of Harris County.
- (b) Where the provisions of this Development Code require or impose more restrictive standards than are required by any other ordinance or law, the provisions of this ordinance shall control. Where the provisions of any other ordinance or law require more restrictive standards than are required by this Development Code, the provisions of such other ordinance or law shall control.

**1209.02 Saving Clause:**

- (a) If any section, clause, provision, or portion of this Development Code shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Development Code which is not in and of itself invalid or unconstitutional.
- (b) Repeal of Conflicting Ordinances: All ordinances or parts of any code or ordinance in conflict with any of the provisions of the Development Code of Harris County, Georgia are hereby repealed.

**Sec. 1210. Liability**

- (a) Neither the approval of a plan under the provisions of this Development Code, nor the issuance of a permit, nor the compliance with provisions of this Development Code, shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon Harris County for damage to any person or property.
- (b) The fact that a land-disturbing activity for which a development permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Development Code or the terms of the development permit.
- (c) No provision of this Development Code shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, as amended, the Georgia Water Quality Control Act, or the rules and regulations promulgated and approved under such laws or pollute any waters of the State as defined by said Acts.

## Article 13. Interpretation and Glossary

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## Article 13. Interpretation and Glossary

This Article describes how figures, words and phrases used in this Development Code are to be interpreted and provides a glossary of all definitions specifically used in the text of this Development Code.

### Sec. 1301. Interpretation

#### 1301.01 Responsibility for Interpretation.

- (a) The Community Development Director shall be responsible for the interpretation of the requirements, standards, definitions, or any other provision of this Development Code.
  - 1. Interpretations of the Community Development Director may be appealed under the provisions of this Development Code relating to Appeals.

#### 1301.02 Use of Figures and Examples for Illustration.

Figures or examples associated with defined terms or regulatory paragraphs in this Development Code are provided only for illustration and do not limit or change the meaning of the term as defined or the requirements of the regulation as written.

#### 1301.03 Use of Words and Phrases.

Except as specifically defined herein, all words used in this Development Code have their customary dictionary definitions.

For the purpose of this Development Code, certain terms or words used herein shall be interpreted as follows:

- (a) Words used in the present tense includes the future tense.
  - 2. Words used in the singular include the plural, and words used in the plural include the singular.
- (b) The words "shall," "will," "is to," and "must" are always mandatory and never discretionary.
  - 3. The words "may" and "should" -are discretionary.
- (c) The word "and" indicates that all of the conditions, requirements, or factors so connected must be met or fulfilled, while the word "or" indicates that at least 1 condition, requirement or factor so connected must be met.
  - 4. The term "such as" is intended to introduce 1 or more examples in illustration of a requirement or point, and is intended to mean "including, but not limited, to the following."
- (d) The terms "include" or "including," when used to introduce a list of items, is not intended to be exclusive only to the items on the list, but is intended to mean "including, but not limited to, the following."
  - 5. The word "person" includes the "individuals," "firms," "associations," "organizations," "partnerships," "trusts," "companies," "proprietorships," "corporations," "governmental bodies," and all other legal entities.
- (e) The word "lot" includes "plot" or "parcel."
  - 6. The word "structure" includes "building;" a "building" is a type of structure.

- (f) The word "erected" includes "constructed," "moved," "located," or "relocated."
  - 7. The words "road," "street," "highway," and "thoroughfare" have the same meaning with regard to the requirements and restrictions of this Code.
- (g) The verbs "zone" and "rezone" have the same meaning and refer to the act of amending the Official Zoning Map through the process established by this Development Code.
  - 8. The nouns "zone," "zoning district," and "district" have the same meaning and refer to the zoning districts established under this Development Code.
- (h) The words "zoning map" or "zoning atlas" means the Official Zoning Map of Harris County, Georgia.
  - 9. The word "day" means a calendar day unless otherwise specified as a "work" day or "business" day, which means Monday through Friday exclusive of County-recognized holidays.
- (i) The words "used or occupied" include "intended, designed or arranged exclusively to be used or occupied by a particular use or function."
  - 10. References to the "County" and to the Board of Commissioners and any public officials or appointed bodies of the County not otherwise named by political jurisdiction or defined in this Development Code shall always mean Harris County, Georgia, and its governing body, appointed or employed officials, and appointed bodies as named. These include:
    - (1) The Planning Commission, created as such and appointed as such by the Harris County Board of Commissioners.
      - a. The Board of Zoning Adjustments, created as such and appointed as such by the Harris County Board of Commissioners.
    - (2) The County Manager, appointed as such by the Harris County Board of Commissioners, or the County Manager's designee.
      - b. The County Attorney, appointed as such by the Harris County Board of Commissioners, or the County Attorney's designee.
    - (3) The Community Development Director, the County official appointed as such, or the Community Development Director's designee.
      - c. The Public Works Director, the County official appointed as such, or the Public Works Director's designee.
    - (4) The Water Works Director, or the County official appointed as such, or the Water Works Director's designee.
      - d. The Health Department.
    - (5) Other County officials or employees, such as a "building inspector" shall mean the County official or employee appointed as such by their respective department director.
      - e. Other appointed bodies such as the Development Authority of Harris County and the Harris County Public Improvement Authority.

- (j) References to an administrative department or committee of Harris County shall always mean the department or committee created by the Board of Commissioners as such. These include:
  - (1) Department of Community Development: References to action by the “Community Development Department” shall mean action by the Community Development Director or by that administrative official to whom responsibility for that action has been assigned by the Community Development Director.
    - f. Public Works Department: A reference to action by the “Public Works Department” shall mean action by the Public Works Director or by that administrative official to whom responsibility for that action has been assigned by the Public Works Director.
  - (2) Water Works Department: A reference to action by the “Water Works Department” shall mean action by the Water Works Director or by that administrative official to whom responsibility for that action has been assigned by the Water Works Director.
- (k) References to other public officials, departments, or appointed bodies, unless otherwise specified, shall always mean such persons or bodies having jurisdiction over or relative to Harris County, Georgia. These include:
  - (1) The Clerk of the Superior Court of Harris County.
    - g. The Harris County Health Department, and its Environmental Services Division.
  - (2) The River Valley Regional Commission
    - h. The Georgia Soil and Water Conservation Commission.
  - (3) The Georgia Departments of Community Affairs (DCA), Transportation (GDOT), Human Resources (DHR), Natural Resources (DNR), and DNR’s Environmental Protection Division (EPD).
    - i. The United States Army Corps of Engineers, the Federal Aviation Administration (FAA), the Federal Emergency Management Agency (FEMA), the Federal Communications Commission (FCC), and the Environmental Protection Agency (EPA).

**1301.04 Meaning of Words and Phrases.**

- (a) All words and phrases are to be interpreted within the context of the sentence, paragraph, subsection, section, and Article in which they occur.
  - 11. Words and phrases specifically relating to a category of use of land or a structure that are defined in this Development Code shall be interpreted as defined herein without regard to other meanings in common or ordinary use, unless the context of the word or phrase indicates otherwise. Words and phrases not defined in this Development Code shall be construed to have the meaning given by common and ordinary use, the meaning of which may be further clarified by use of the word or phrase in the North American Industrial Classification System (NAICS) published by the U.S. Department of Commerce, 2017 Edition. See also the

Interpretation of Uses Section of the Use of Land and Structures Article of this Development Code.

- (b) Other words and phrases specifically defined in this Development Code shall be interpreted as defined herein without regard to other meanings in common or ordinary use, unless the context of the word or phrase indicates otherwise. Words and phrases not defined in this Development Code shall be construed to have the meaning given by common and ordinary use, the meaning of which may be further clarified by definition of the word or phrase in the New Oxford American Dictionary, Third Edition or later.

12. Definitions are clearly identified as such and in some cases are located in the Articles or Sections to which they most readily refer. All definitions, regardless of location within a particular Article of this Code, apply equally to the use of such terms throughout the Code. A Glossary of all defined terms is included in this Article for convenience. However, if differences in wording occur between definitions of a term in a particular Article and in the Glossary of Definitions in this Article, the definition contained within a particular Article of this Code shall control.

## **Sec. 1302. Glossary of Definitions**

### **1302.01 A**

**"A" frame sign:** See under "Signs."

**Abandoned sign:** Any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, or missing letters or which is otherwise dilapidated, unsightly, or unkempt, and for which no person accepts maintenance responsibility.

**Accessory building:** A subordinate building, the use of which is incidental to that of a principal building and located on the same lot therewith.

**Accessory structure:** A structure that is subordinate to the principal building or use, which is used for non-habitable purposes, including, but not limited to, walls, fences, decks, patios, driveways, swimming pools and signs.

**Accessory use:** A use customarily incidental, appropriate and subordinate to the principal use of land or buildings and located on the same lot therewith.

**Addition:** Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered "new construction".

**Adult Day Care Center:** A day care facility serving for compensation 3 or more 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 that perform the normal activities of daily living and impede independent living. Services that are provided include basic social and recreational activities for aging adults and, as required, limited personal care assistance, supervision, or assistance essential for sustaining the activities of daily living. Services shall not include day habilitation and treatment services exclusively for individuals with developmental disabilities. This term shall not include a respite care services program.

**Agritourism:** The activities conducted on a working farm and offered to the public or to invited groups for the purpose of recreation, education and/or active involvement in the farm operation. These activities link agricultural production and/or processing with tourism in order to attract visitors onto a farm, ranch, or other agricultural business for the purposes of entertaining and/or educating the visitors and generating supplemental income for the farm or ranch owner.

**Alterations:** As applied to a building or structure, means a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, for public utility purposes.

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

**Animated sign:** See under "Signs."

**Antenna:** Any equipment designed for wireless telecommunication, radio, or television communications through the sending and/or receiving of electromagnetic waves or beams of visible or invisible light and radio signals used in the provision of all types of telecommunication services, including standalone equipment and equipment affixed to or proposed to be affixed to existing telecommunication support structures and/or authorized alternative telecommunication support structures.

**Appeal:** A request for relief from a decision made by the Community Development Director's or his designee, other department directors, the Board of Zoning Adjustment, and/or the Board of Commissioners.

**Area, building:** The total area taken on a horizontal plane at the average ground elevation of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

**Area of shallow flooding:** A designated AO or AH zone on a community's flood insurance rate map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

**Area of special flood hazard:** The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, areas of special flood hazard shall be those designated by the local community and referenced in Article 8.

**Assisted Living Facility:** A personal care home serving 25 residents or more that is licensed by the Georgia Department of Community Health to provide assisted living care. "Assisted living care" means the specialized care and services provided by an assisted living community which includes the provision of personal services, the administration of medications by a certified medication aide and the provision of assisted self-preservation. This use shall not include hospitals, convalescent centers, nursing homes, hospices, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

**Audible sign:** See under "Signs."

**Automobile wrecking:** The dismantling, storage, sale, or dumping of used motor vehicles, not in running condition, or parts thereof.

## 1302.02 B

**Banner:** See under "Signs."

**Base flood:** The flood having a one percent chance of being equaled or exceeded in any given year.

**Base flood elevation (BFE):** The elevation shown on the flood insurance rate map for zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year.

**Basement:** That portion of a building having its floor sub grade (below ground level) on all sides.

**Beacon:** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with 1 or more beams that rotate or move.

**Bed and breakfast inn:** An owner-occupied dwelling unit that contains no more than 6 guest rooms where short-term lodging, with or without meals, is provided for compensation.

**Best Management Practices (BMPs):** These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the "Manual for Erosion and Sediment Control in Georgia", published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted.

**Billboard:** See under "Signs."

**Boarding or rooming house:** A dwelling other than a hotel where, for compensation and by prearrangement for definite periods, meals are provided for 3 or more but not exceeding 12 persons on a weekly or monthly basis.

**Brewery:** A facility using traditional brewing practices and providing more than 10,000 barrels of malt beverages per year, absent food service, and can include a tasting room and retail space to sell thee beer to patrons for consumption on premises or the sale of packaged beer products to wholesalers.

**Brewpub:** Any restaurant, licensed to sell distilled spirits by the drink, beer or wine on premises, in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation described in OCGA 3-5-36 for retail consumption on premises and solely in draft form.

**Buffer:** An area of natural vegetation or manmade construction, which is intended to provide a visual and dimensional separation between dissimilar land uses.

- (a) **Construction buffer:** A type of buffer which is temporary and remains in effect during the construction of a project.
- (b) **Natural buffer:** A visual screen of natural vegetation 6 feet in height or any combination of existing and replanted vegetation which can reasonably be expected to be at least 6 feet in height within 2 growing seasons with such density so as to present an opaque visual separation when viewed from 1 side to the other throughout the year.
- (c) **Stream buffer:** The area of land immediately adjacent to the banks of state waters or protected river in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.
- (d) **Structural buffer:** A visual screen created through construction of a solid wooden fence, decorative masonry wall, earthen berm, or combination of fence or wall with an earthen berm, supplemented with vegetation, so as to present an opaque visual separation when viewed from 1 side to the other throughout the year.
- (e) **Watershed buffer:** A natural or enhanced vegetated area with no or limited minor land disturbances, such as trails and picnic areas, located adjacent to reservoirs or perennial streams within a water supply watershed.



- (f) **Zoning buffer:** Land area used to visibly separate one use from another through screening and distance to shield or block noise, light, glare, or visual or other conditions, to block physical to non-similar areas, or to reduce air pollution, dust, dirt, and litter. A natural buffer may be considered a zoning buffer.

**Buildable Area of a Lot:** The area of lot within the setback lines as defined by this Code.

**Building:** See definition for "Structure."

**Building height:** The vertical distance measured from the average ground elevation to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

**Building Line.** A line formed by the outer face of the exterior wall of a building or portion thereof and the surface of the ground.

**Building sign:** See under "Signs."

### 1302.03 C

Changeable copy sign: See under "Signs."

**City:** Each city within Harris County that has adopted this ordinance.

**Clinic:** See "Medical facility."

**Code enforcement officer:** The term code enforcement officer shall mean and shall be either The Director of Community Development or the Harris County Code Enforcement Officer.

**Comprehensive Plan:** Any part or element of the overall plan for development adopted by the planning commission as provided by the General Planning Enabling Act of 1957, No. 358, as amended.

**Coverage:** The lot area covered by all buildings located therein, including the area covered by all overhanging roofs.

**Critical facility:** Any public or private facility, which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Critical facilities include:

- (a) Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials;
- (b) Hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events;
- (c) Emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and
- (d) Generating plants, and other principal points of utility lines.

**Cut:** A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as excavation.

### 1302.04 D

**Day Care Facility:** The use of a building or premises for the care and supervision of children (who do not reside on the property), for periods of less than 24 hours. Establishments are licensed or commissioned by the Georgia Department of Human Resources to care for infants and preschool children. Some offer prekindergarten education programs or provide care services for older children. Child day care facilities are classified as follows:

- (a) **Family Day Care:** An accessory use to a private residence (i.e., home occupation) that operates as a daycare facility for up to six children who are not residents of the premises. Care and supervision shall be provided by a State of Georgia registered resident adult for less than 24 hours per day on a regular basis for compensation.
- (b) **Child and Group Day Care Facilities:** A daycare facility for 18 or fewer children.
- (c) **Day Care Center:** A daycare facility for 19 or more children.

**Development:** Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, and storage of materials or equipment.

**Development Plans.** The detailed and professional plans showing the layout and design, site work and construction activities proposed for a project (other than architectural building plans) and including the Preliminary Plat or Site Plan (as applicable), Grading Plan, Tree Preservation/Replacement Plan, Erosion and Sediment Control Plan, Buffer and Landscape Plan, and construction drawings for streets, storm water drainage facilities, sanitary sewers, water supply facilities, and other site improvements.

**Diameter breast height (DBH):** The diameter of an existing tree trunk measured at a height of 4 ½ feet above the ground. If a tree splits into multiple trunks below 4 ½ feet, the trunk is measured at its most narrow point beneath the split.

**Dilapidated signs:** A sign that is in such condition as to create a hazard, nuisance or to be unsafe or fail to comply with any provision of the building or electrical codes of the county.

**Distillery:** A facility using traditional distilling practices and producing distilled spirits, absent food service, and can include a tasting room and retail space to sell to patrons for consumption on premises or the sale of packaged distilled spirit products to wholesalers.

**Distilled Spirit:** Any alcoholic beverage obtained by distillation or containing more than 21% alcohol by volume, including but not limited to all fortified wines.

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

**District (conservation):** The Pine Mountain Soil and Water Conservation District.

**Double-faced sign:** See under "Signs."

**Double- or reverse frontage lots:** A lot, other than a corner lot, that abuts more than one public street that are parallel or within 45 degrees of being parallel to each other.

**Drainage structure:** A device composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm water management, drainage control, or flood control purposes.

**Drive-in commercial uses:** Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters, and similar uses.

**Dwelling unit:** One room or rooms connected together, constituting a separate, independent housekeeping establishment for occupancy by one (1) family, and physically separated from other rooms or dwelling units which may be in the same structure, and containing independent cooking, sleeping and sanitary facilities.

**Dwelling:** See "Residence."

1302.05 E

**Easement:** A grant by the property owner for use of a strip of land by the public, a corporation, or person(s) for specified reasons.

**Easement road:** A private thoroughfare which affords the principal means of access to abutting property.

**Elevated building:** A non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

**Erosion:** The process by which land surface is worn away by the action of wind, water, ice or gravity.

**Erosion and Sedimentation Control Plan:** A plan required by the Erosion and Sedimentation Act, O.C.G.A. 12-7, that includes, as a minimum protection, at least as stringent as the state general permit, best management practices, and requirements in Article 10, Erosion Control and Stormwater Management.

**Existing construction:** For the purposes of determining rates, structures for which the "start of construction" commenced before December 5, 1990, [the effective date of the initial FIRM].

**Existing manufactured home park or subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before August 19, 1986 [the effective date of the first floodplain management regulations adopted by a community].

**Expansion to an existing manufactured home park or subdivision:** the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

#### 1302.06 F

**FAA:** The Federal Aviation Administration.

**FCC:** The Federal Communications Commission.

**Family:** 1 or more persons related by blood, marriage, or adoption, consisting of spouse, children, grandchildren, parents, or grandparents, or who requires medical attention, guardianship, or assistance due to disability, occupying the premises and living as a single nonprofit housekeeping unit, as distinguished from a group of persons occupying a boarding or lodging house, hotel, club, or similar dwelling for group use.

**Family qualified group residence:** See under "Group residence for adults" and "Group residence for children."

**Farm dinner:** A meal held on a working sustainable farm and comprised of agricultural products (fruits, produce and meat products) predominately raised on said farm, open to the general public.

**Farm tour, educational:** A 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 hayride.

**Farmers' market:** A place of business located on a working sustainable farm in which at least 50% of the agricultural products (fruits, produce, meat products, and dairy products) are grown on the working farm,

with the remainder being from other, preferably local, locations, are made available for purchase by consumers.

**Farm Winery:** A farm winery located on agriculturally zoned property which makes at least 40% of its annual production from agricultural produce grown in the State of Georgia and (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.

**Feather banner:** See under "Signs."

**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.

**Festoons:** See under "Signs."

**Fill:** A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

**Final plat:** Shall mean a plat of a tract of land which meets the requirements of these regulations and the Georgia Standard Plat Act and is in form for recording in the office of the clerk of superior court.

**Final stabilization:** All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100 percent of the soil surface is uniformly covered in permanent vegetation with a density of 70 percent or greater, or landscaped according to the plan (uniformly covered with landscaping materials in planned landscape areas) or equivalent permanent stabilization measures as defined in the manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.

**Finished grade:** The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

**Flag:** Any fabric or bunting containing colors, patterns, or symbols used as a symbol of a government or other entity or organization.

**Flag Lot:** An irregularly shaped lot that has a very limited amount of street or road frontage. The portion of the lot nearest the street, the "flagpole," is substantially narrower than the rest of the lot. The wider part of the lot, the "flag," is back further from the road frontage.

**Flashing sign:** See under "Signs."

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

**Flood or flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters; or
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood hazard boundary map (FHBM):** An official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as zone A.

**Flood insurance rate map (FIRM):** An official map of a community, issued by the Federal Emergency Management Agency (FEMA), delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

**Flood insurance study:** The official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

**Floodplain:** Any land area susceptible to flooding.

**Floodproofing:** Any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Floor area:** The sum of the gross floor area for each of the several stories under roof, measured from the exterior limits or faces of a building or structure.

**Food Truck:** A mobile vehicle whose owner/operator has been issued a valid food service permit to service permit to serve food. It is a mobile, fully self-contained unit with valid State of Georgia registration that utilizes no outside cooking area. Operations must meet applicable standards provided in Article 3.

**Freeboard:** A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

**Freestanding sign:** See under "Signs"

**Frontage:** All the property on 1 side of a street between 2 intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all of the property abutting on 1 side between an intersecting street and the dead end of the street.

**Functions, wetlands:** The beneficial roles that wetlands serve, including:

- (a) Storage, conveyance, and attenuation of floodwater and stormwater;
- (b) Protection of water quality and reduction of erosion;
- (c) Habitat for wildlife, including rare, threatened and endangered species;
- (d) Food chain support for a wide variety of wildlife and fisheries;
- (e) Educational, historical, and archeological value protection; and
- (f) Scenic, aesthetic, and recreational amenities.

## 1302.07 G

**Garage apartment:** A dwelling unit for 1 family erected above a private garage.

**Garage, private:** An accessory building or a part of a main building used for storage purpose only.

**Garage, repair:** A building in which are provided facilities for the care, servicing, repair, or equipping of motor vehicles.

**Garbage:** Discarded animal and vegetable refuse and trash.

**Gasoline service station:** Any area of land, including structures thereon, that is used for the retail sale of vehicle fuel, but not butane or propane fuels or automobile accessories. A gas station may be part of a parcel containing a combination of convenience store and/or fast food restaurant located inside one structure on the parcel. A gas station may also include incidental services, such as facilities for lubricating, handwashing and cleaning, or otherwise servicing automobiles, but excluding painting.

**Generating facility, major:** Facilities (including buildings, equipment, generators, etc.) which are designed and operated by public, private, or wholesale utilities which provide service (whether consumer based or wholesale) with a total output exceeding 20 megawatts of power.

**Generating facility, minor:** Facilities (including buildings, equipment, generators, etc.) which are designed and operated by public or private utilities to provide service to their immediate customer base, and not exceeding a total output of (20 megawatts of electrical power.

**Grading:** Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

**Green belt:** A green belt is a 5-foot strip of land which surrounds a commercial or manufacturing plant on 3 sides and is planted with shrubs and trees. Green belt requirement may be waived by the Planning Commission.

**Ground elevation:** The original elevation of the ground surface prior to cutting or filling.

**Group residence for adults:** A state licensed 24-hour residential facility functioning as a single housekeeping unit for the sheltered care of 5 or more adults over the age of 18 with special needs which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation. Bedroom suites shall not include kitchen facilities. This use does not include Rooming Houses and uses licensed by the state as Child Caring Institutions, Personal Care Homes, or Assisted Living Facilities.

**Group residence for children:** A facility licensed by the Georgia Department of Human Resources as a "child caring institution" in which full time care is provided for 6 or more children through the age of 18 years of age outside their own homes. Full-time care is referred to as room, board and watchful oversight.

#### 1302.08 H

**Hardship:** The existing of extraordinary and exceptional conditions pertaining to the size, shape, or topography of a particular property, because of which the property cannot be developed in strict conformity with the provisions of the Development Code.

**Hazardous material:** Any substance defined as "hazardous material" by the Georgia Department of Natural Resources pursuant to O.C.G.A. § 12-8-60 et. seq.

**Hazardous waste:** Includes those solid and liquid wastes or combinations thereof that may cause or contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible illness, or which pose a substantial threat to human health when improperly handled.

**Health clinic:** A facility primarily utilized by a health unit for the provision of public health services including related facilities such as laboratories, clinics, and administrative offices operated in connection therewith.

**Health club:** Buildings and facilities owned and operated for physical body conditioning purposes and operated primarily for profit or to render a service which is carried over as a business.

**Height, building:** The vertical distance measured from the finished grade along all walls of a structure to the highest point of the coping or parapet of a flat roof or to the average height between eaves and ridge for gable, hip and gambrel roofs.

**Height, telecommunications:** When referring to a tower or other structure, the distance measured from ground level at the base of the structure to the highest point on the tower or other structure, even if said highest point is an antenna.

**Highest adjacent grade:** The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a building.

**Historic structure:** Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
  1. By an approved state program as determined by the Secretary of the Interior, or
  2. Directly by the Secretary of the Interior in states without approved programs.

**Home occupation, residential:** An occupation conducted in a dwelling unit, which is clearly subordinate to use of a dwelling unit for residential purposes.

**Home occupation, rural:** An occupation conducted in a dwelling unit on a lot five acres or greater, which is clearly subordinate to the principal use of the parcel for dwelling and agricultural purposes, and does not change the residential and agricultural character of the area.

**Hospital:** An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.

**Hotel:** A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals and in which there are more than 12 sleeping rooms usually occupied singly and no provision made for cooking in any individual room or apartment. A motel may include additional facilities and services, such as restaurant, meeting spaces, and recreational facilities.

**Hydric soils:** Soils that form as a result of saturated soils conditions. A list of these soils is maintained by the USDA Department of Natural Resources Conservation Service.

**Hydrophytic vegetation:** Macrophytic plants tolerant of or dependent on saturated soil conditions.

## 1302.09 I

Illuminated sign, external: See under "Signs."

Illuminated sign, internal: See under "Signs."

**Incidental sign:** See under "Signs."

**Industrialized building:** Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof, and bearing the approved insignia of the Commissioner of Community Affairs, Georgia Department of Community Affairs (DCA).

#### 1302.10 J

**Junk:** The term "junk" is defined to mean and shall include all scrap metals and their alloys, and bones, rags, used cloth, used rubber, used rope, used bottles, old cotton or used machinery, automobile wrecking, used tools, used appliances, used fixtures, used utensils, used boxes or crates, used pipe or pipe fittings, discarded building materials, used automotive or airplane tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition; subject to being dismantled.

**Junkyard:** A lot, land or structure, or part thereof, used for the collecting, storage and/or sale of wastepaper, rags, scrap metal, discarded building materials or discarded machinery or vehicles not in running condition, or for the sale of parts thereof.

**Jurisdictional determination:** An official, written statement or map signed by the U.S. Army Corps of Engineers, or in the case of coastal marshlands, the Georgia Department of Natural Resources.

**Jurisdictional wetland:** A wetland area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.

#### 1302.11 K

**kennel (commercial), Boarding Facility, Grooming Shelter:** Any building, lot, or premises where dogs, cats, or similar pets are housed or accepted for boarding, grooming, breeding, keeping for sale, selling, trading, training or renting or leasing of dogs for guarding purposes, for which remuneration is received. Veterinary hospitals or clinics are excluded.

#### 1302.12 L

**Land-disturbing activity:** Any operation that involves excavation or filling of land; clearing or vegetation; and construction, rebuilding, or alteration of an existing structure; and any activity which may result in soil erosion from water or wind and the movement of sediment into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land. Land-disturbing activity does not include ordinary maintenance and landscaping activities; yard and grounds maintenance; individual home gardens; repairs or minor modifications to a single-family residence; the cutting of firewood for personal use; or agricultural practices as described in Article 10, Erosion Control and Stormwater Management.

**Landfill, inert:** A disposal site accepting only wastes that will not or are not likely to cause productions of leachate of environmental concern. Such wastes are limited to dirt and dirtlike products, concrete, rock, bricks, yard trimmings, stumps, limbs, and leaves. This definition excludes industrial and construction demolition wastes as defined by State Codes applicable at the date of adoption of this Development Code or as amended from time to time by law.

**Larger Common Plan of Development or Sale:** A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or



physical demarcation such as boundary signs, lot stakes, or surveyor marking, indicating that construction activities may occur on a specific plot.

**Live-work unit:** Buildings, or spaces within buildings, that are used jointly for commercial and low-density residential purposes, where the two are physically connected in one unit and the residential area of the space is accessory/secondary to the primary use as a place of work. This use is distinguished from a home occupation for which the work space is smaller and the floor space for live-work is specifically designed for both living and working areas.

**Loading space:** A space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of a truck.

**Local issuing authority:** The Harris County Board of Commissioners or its assigned or designated representative, which shall be responsible for administering this Development Code and has been certified pursuant to subsection (A) O.C.G.A. 12-7-8.

**Lot:** A basic lawful unit of land of sufficient size to meet minimum zoning requirements for lot area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning and development standards and recorded in the deed records of Harris County as a single parcel. Lot, tract and parcel are synonymous.

- (a) **Corner lot:** A lot of which at least 2 adjoining sides abut for their full lengths on a street, provided that the interior angle at the intersection of 2 such sides is less than 135 degrees.
- (b) **Flag lot:** An irregularly shaped lot or parcel that has very limited amount of street or road frontage. The portion of the lot nearest the street, the "flagpole," is substantially narrower than the rest of the lot. The wider part of the lot, the "flag," is back further from the road frontage.
- (c) **Interior lot:** A lot having frontage on only one street.

**Lot area:** The total horizontal area included within lot lines.

**Lot coverage:** The computed ground area occupied by all impervious surface within a lot.

**Lot depth:** The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

**Lot lines:** The lines bounding a lot as defined herein.

- (a) **Front Lot lines:** In the case of an interior lot, the lines separating said lot from the street. In the case of a corner or double-frontage lot, the line separating said lot from the street in the request for building permit.
- (b) **Rear Lot lines:** The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line, not less than 10 feet long and wholly within the lot.
- (c) **Side Lot lines:** A side lot line is any lot boundary line not a front lot line or rear lot line.
- (d) **"Exterior Side" or "Street Side" Lot line:** In the case of a corner lot, where at least two adjoining lot lines separate the lot from the street, the lot line(s) that is not designated the front lot line.

**Lot width:** The width of a lot at the building setback line measured at right angles to its depth.

**Lowest floor:** The lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this article.

1302.13 M

**Major street plan:** Shall mean the major street plan as adopted by the planning commission as an element of the county's comprehensive plan.

**Manufactured Home:** A building, transportable in 1 or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained herein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development (HUD) and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., as amended. This definition excludes travel trailers, recreational vehicles, and mobile homes as defined herein.

**Manufactured home park:** Any area, tract, site or plot of land whereupon a minimum of 4 manufactured housing unit spaces as herein defined where manufactured housing units are placed, located or maintained, or intended to be placed, located or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

**Manufactured home park or subdivision, new:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after August 19, 1986 [the effective date of the first floodplain management regulations adopted by a community].

**Manufactured home, pre-owned:** Any manufactured housing unit that has been previously used as a residential dwelling and has been titled. See also under "Mobile Home."

**Manufacturing, light:** The manufacture of items and goods for wholesale, or on-premises sales.

**Manufacturing, heavy:** The manufacture of items and goods for wholesale which has more than 10 employees or the operation of a sexually oriented establishment as defined in this ordinance and the ordinance to regulate sexually oriented establishments in Harris County, Georgia.

**Marquee:** Any permanent roof-like structure or canopy of rigid materials supported by and extending from the façade of a building.

**Mean sea level:** The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

**Medical clinic:** A facility for the examination and treatment of ill and afflicted human outpatients provided, however, that patients are not kept overnight except under emergency conditions.

**Metropolitan River Protection Act (MRPA):** A state law referenced as O.C.G.A. § 12-5-440 et seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

**Micro-brewery:** A craft or designer facility, absent food service, for the brewing of beer the produces less than 10,000 barrels per year and can include a tasting room and retail space to sell the beer to patrons for consumption on premises or the sale of packaged beer products to wholesalers.

**Micro-cell:** An antenna facility that meets the following conditions:

- (a) Mounted on structures 50 feet or less in height, including their antennas; or
- (b) Mounted on structures no more than 10% taller than other adjacent structures; or
- (c) Does not extend existing structures on which they are located to a height of more than 50 feet or by more than 10%, whichever is greater;

AND

- (d) Each antenna, excluding associated equipment, is not more than 3 cubic feet in volume; and
- (e) All wireless equipment associated with the structure, including any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume.

**Mobile home:** A new or used structure, transportable in 1 or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained herein and manufactured prior to June 15, 1976. A mobile home is not a manufactured home or modular home and does not include recreational vehicles.

**Modular home:** A factory fabricated, transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a structure to be used for residential purposes. A modular home shall be designed and constructed in compliance with Georgia State Minimum Standard One-and-Two Family Dwelling Code and shall be certified by the manufacturer to meet the approval of the State Building Administrative Board (SBAB) to meet the same requirements as an on-site-built home within Harris County. Any such structure shall not contain a permanent metal chassis and shall be affixed to permanent load-bearing foundation. The term shall not include manufactured homes as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

**Monument sign:** See under "Signs." See also, "Freestanding sign."

**Motel:** A building or group of buildings used for the temporary residence of motorists or travelers. A motel may include additional facilities and services, such as restaurant, meeting spaces, and recreational facilities.

**Motorized vehicle:** Any device in, upon, or by which any person or property may be transported or drawn on- or off-road, and that derives power from any source other than muscle or wind, excepting devices used exclusively upon stationary rails or tracks.

**Moving sign:** See under "Signs."

**Multi-tenant:** 1 or more buildings, located on a single premises or development, containing 2 or more separate and distinct individual establishments, which occupy separate portions of the building(s) and which are physically separated from each other by walls.

#### 1302.14 N

**National Geodetic Vertical Datum (NGVD):** A vertical control used as a reference for establishing varying elevations within the floodplain [as corrected in 1929].

**Natural disaster:** Flood, tornado, fire, earthquake, etc.

**Natural ground surface:** The ground surface in its original state before any grading, excavation or filling.

**New construction:** For the purposes of determining insurance rates, structures for which the "start of construction" commenced after December 5, 1990 [the effective date of the initial FIRM] and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced after August 19, 1986 [the effective date of the FIRST floodplain management ordinance adopted by the county] and includes any subsequent improvements to such structures.

**NOI:** A Notice of Intent form provided by EPD for coverage under the State General Permit.

**Non-conforming sign:** Any sign that is legal at the time of erection that does not conform to the requirements of this amendment.

**Nonconforming use:** A land-use activity, building, or structure legally established prior to adoption of this article, or subsequent amendment to it, that would not otherwise be permissible under the provisions of this article.

**North American Vertical Datum (NAVD):** Replaced the National Geodetic Vertical Datum of 1929 in existing and future FEMA flood modernization maps.

**NOT:** A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.

**Nursing home:** A state-licensed facility which admits 5 or more patients on medical referral only and for whom arrangements have been made for continuous medical supervision; it maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has a satisfactory agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the home.

#### 1302.15 O

**Obscene signs:** Any sign meeting the standards of obscenity as defined by O.C.G.A § 16-12-80(b).

**Off-premises sign:** See under "Signs."

**One-Hundred-Year Flood Plain:** A land area subject to a 1% or greater statistical occurrence probability of flooding in any given year.

**Outfall:** The location where storm water in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

**Overlay district:** A district that applies supplementary regulations to land previously classified as belonging to a specific zoning district or land-use category.

#### 1302.16 P

**Park:** Include camping sites, camping grounds, primitive camping, boat launching sites.

**Parking lot:** An off-street facility including parking spaces along with adequate provision for drives and aisles for maneuvering and giving access, and for entrance and exit, all laid out in a way to be usable for the parking of more than 6 automobiles.

**Parking space:** An off-street space available for the parking of one motor vehicle and having an area of not less than 200 square feet exclusive of passageways and driveways appurtenant thereto and giving access.

**Permanent sign:** See under "Signs."

**Permit, Land Disturbance:** The authorization necessary to conduct a land-disturbing activity under the provisions of this Development Code.

**Personal care home:** A state-licensed dwelling or facility which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for 5 to 24 adults. "Personal Services" includes, but is not limited to, individual assistance with or supervision of self-administered medication, assistance with ambulation and transfer, and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting. This use shall not include hospitals, convalescent centers, nursing homes, hospices, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

**Phase or phased:** Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

**Portable sign:** See under "Signs"

**Preexisting towers and antennas:** The meaning set forth in Section 3 (D) of this Development Code.

**Preliminary plat:** Shall mean a tentative plan of a proposed subdivision submitted to the planning commission for its consideration.

**Principal building:** The building in which the principal use of the lot is conducted. Nonresidential lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other structures with clearly accessory uses shall not be considered principal buildings.

Principal freestanding sign: See under "Signs."

**Principal use:** The primary purpose for which land or a building is used.

**Produce stand:** A seasonal structure not exceeding 500 square feet in which fruits and vegetables are made available for purchase by consumers.

**Project, Development:** The entire proposed development project regardless of the size of the area of land to be disturbed.

Project entrance sign: See under "Signs."

**Properly designed:** Designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (manual) published by the Georgia Soil and Water Conservation Commission (GSWCC) as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.

**Protected river:** Any perennial river or watercourse with an average annual flow of at least 400 cubic feet per second as determined by appropriate U.S. Geological Survey documents.

**Public sign:** See under "Signs"

**Public/institutional use:** A non-profit or quasi-public use, such as a religious institution, library, public or private school, hospital or government-owned or government-operated structure, public park or other land or structure used for public purposes.

## 1302.17 Q

Reserved.

## 1302.18 R

**Recreational vehicle:** a vehicle, which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Residence, single-family:** A detached building designed for 1 dwelling unit to be occupied exclusively by one family.

**Residence, two-family:** A detached building designed to be occupied by 2 families living independently of each other.

**Residence, three or more families:** A building designed for 3 or more dwelling units to be occupied by a number of families not exceeding the number of dwelling units provided.

**Rights-of-way:** A portion of land over which a local or state government has designated right of use.

**Right-of-way, county:** The shoulder, front slope, ditch, drain, back slope, facility or any appurtenance of any county road as defined herein; provided, however, that, for purposes of this article only, "County right(s)-of-way" shall not include the area within 20 feet on either side of the mailbox of any residence or commercial establishment.

**Riverbank:** The rising ground, bordering a river, which serves to confine the water to the natural channel during the normal course of flow.

**River corridor:** All land, inclusive of islands, in areas of a protected river, which serves to confine the water to the natural channel during the normal course of flow. Because stream channels move due to natural processes, the river corridor may shift with time. For the purpose of these standards, the river corridor shall be considered to be fixed at its position at the time of adoption of the River Corridor Protection Plan. Any shift in the location after that time will require a revision of the boundaries of the river corridor at the time of comprehensive plan review by the Georgia Department of Community Affairs (DCA).

**River Corridor Protection Plan:** That part of the local Comprehensive Plan which deals with the river corridor protection requirements specified herein.

**Roadway, County:** any county owned or maintained highway, road, street, avenue, drive, detour or other way open to the public and intended or used for the passage of motor vehicles.

**Roadway drainage structure:** A device such as a bridge, culvert, or ditch, composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

**Roof sign:** See under "Signs"

## 1302.19 S

**Scenic Corridor:** A roadway and its accompanying right-of-way that offers motorists the unobstructed opportunity to view scenic views and scenic sites in one or more directions, and which usually has a high percentage of open landscape within and alongside it. A corridor may include adjacent private property, depending on the context.

**School, public:** A tax-supported institution of learning, including colleges and universities.

**School, semi-public:** An institution of learning, including colleges and universities.

**Sediment:** Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity, as a product of erosion.

**Sedimentation:** The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

**Self-service laundry:** A laundry providing home-type washing, drying, and/or ironing machines for hire to be used primarily by the customers on the premises.

**Sensitive natural areas:** Any area, as identified now or hereafter by the Georgia Department of Natural Resources, which contains one or more of the following:

- (b) Habitat, including nesting sites, occupied by rare or endangered species;
- (c) Rare or exemplary natural communities;
- (d) Significant landforms, hydroforms, or geological features; or
- (e) Other areas so designated by the Georgia Department of Natural Resources; and which are sensitive or vulnerable to physical or biological alteration.

**Setback:** The distance between a street line or lot line and the building line of a principal building or structure.

**Setback measurement (river corridor):** The measurement for buffer area which shall be measured horizontally from the uppermost part of the river bank, usually marked by a break in the slope.

**Setback, Minimum:** The shortest distance allowed between a street line or lot line and any principal or accessory building on a lot. Minimum setback requirements for buildings are associated with the type of lot line from which the setback is taken; for instance, a "side yard setback" is measured from a side lot line.

- (a) **Front Building Setback:** The minimum allowable distance between a street line or lot line and the front building line of a principal building or structure, projected to the side lines of the lot and including driveways and parking areas, except where otherwise prohibited by this Code.
- (b) **Rear Building Setback:** The minimum allowable distance between a rear lot line and the building line. The rear building setback extends along and is parallel to the full length of the rear lot line.
- (c) **Side Building Setback:** The minimum allowable distance between a side lot line and the building line. The side building setback extends along and is parallel to the side lot line between the front building setback and a rear building setback (if any).
- (d) **"Exterior Side" or "Street Side" Building Setback:** The minimum allowable distance between a street line or lot line (that is not the designated front lot line) and a side of the building line that faces the street. An exterior side building setback is typically found on a corner lot where at least 2 adjoining sides of the lot face a street, as illustrated in Article 4 of this Development Code.

**Sexually oriented establishments:** An adult arcade; adult bookstore, adult novelty store or adult video store; adult cabaret; adult motel; adult motion picture theater; adult theater; escort agency; massage parlor; nude model studio; or sexual encounter center, as each such classification of establishments so listed above is defined in this Development Code to regulate sexually oriented establishments in Harris County, Georgia.

**Shooting range:** A place where shooting is practiced. Any range shall be of sufficient size and configuration to contain the flight of any projectile within its boundaries.

**Shopping center:** A group of commercial establishments, planned, developed, owned and managed as a unit, with off-street parking provided on the property and related in its location, size, and type of shops to the trade area which the unit serves.

**Short Term Vacation Rental:** The renting or leasing of a house, apartment, condominium, room, or similar dwelling unit or portion thereof, where the term of occupancy, possession, or tenancy is on a short term (up to 30 days) basis for the purpose of overnight lodging. In contrast, see "Bed and Breakfast Inns" and "Rooming or Boarding House."

**Sign:** Any structure, display, or device that is used or intended to be used to advertise, identify, direct, or attract attention of or to convey information to the public, and that is placed in such a way, whether outdoors, inside or near a window, as to be in the view of the general public from the exterior of any building on the property.

- (a) **"A" frame sign:** A portable sign which has 2 display areas, hinged at the top and an interior angle not to exceed 60 degrees. It shall be located in front of and in connection with a nonresidential location. Such signs are constructed in such a manner that they stand on their own but are not permanently installed. Also referred to as "sandwich board signs" or "sidewalk signs."
- (b) **Animated sign:** Any sign that has moving parts or includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs using electronic ink, signs set in motion by movement of the atmosphere, or made up of a series of sections that turn, including any type of screen using animated or scrolling displays such as an LED (Light Emitting Diode) screen or any other type of video display, even if the message is stationary.. For changeable copy signs, see definition below.
- (c) **Audible sign:** Any sign which emits a sound, which is audible, or emits a signal, which can be converted into audible sounds, whether by radio or other means.
- (d) **Banner:** A sign other than a flag with or without characters, letters, illustrations or ornamentation applied to cloth, paper, fabric, vinyl or canvas that is intended to be hung either with a frame or without a frame. Neither flags nor canopy signs are considered banners. See also feather banners.
- (e) **Billboard:** A freestanding sign that exceeds the sign area limitations established by this section.
- (f) **Building sign:** Any sign attached to any part of a building in contrast to a freestanding sign. The following are included in this definition:
  - 1. *Awning/canopy sign:* Any sign that is a part of, or attached to, an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area.
  - 2. *Flat roof sign:* A sign located on the roof of a building if there is no space between the sign and the roof.
  - 3. *Marquee sign:* Any sign attached flat against the marquee or permanent sidewalk canopy of a building and not extending above the top of the marquee or canopy.
  - 4. *Mansard:* An inclined decorative roof-like projection that is attached to an exterior building facade.
  - 5. *Parapet:* The extension of a building facade above the line of the structural roof.
  - 6. *Projecting sign:* A sign that is suspended or projected from the wall, eave, or soffit of the building.
  - 7. *Under-canopy sign:* A display attached to the underside of a marquee or canopy.



8. *Wall sign*: A sign mounted parallel to and on the exterior surface of a building.
  9. *Window sign*: A sign that is placed inside a window or upon the window panes or glass, either inside or outside the building, and is visible from the exterior of the structure.
- (g) **Changeable copy sign**: An animated sign which allows words, characters, letters, figures, design characteristics, symbols, logos, numbers or illustrations to be changed without altering the sign. The following are included in this definition:
1. *Automatic changeable copy sign*: A sign on which copy is changed automatically on a lamp bank or through mechanical means, e.g. electrical or electronic units. Such changes may only occur once every 60 seconds and do not otherwise scroll, blink, roll, rotate or otherwise change.
  2. *Manual changeable copy sign*: A sign on which copy is changed manually in the field, e.g. reader boards with changeable letters.
- (h) **Double-faced sign**: A sign structure with two sign faces that are parallel (back-to-back) or that form an angle to one another.
- (i) **Feather banner**: A banner mounted vertically on a pole and designed in such a manner to flutter as a result of wind or a fan.
- (j) **Festoons**: Strings of ribbons, tinsel, small flags, pennants, streamers, pinwheels, or other devices or long narrow strips of fabric, plastic, or other pliable material designed to move in the wind.
- (k) **Flashing sign**: An animated sign, the illumination of which is not kept constant in intensity at all times when in use and which exhibits marked changes in lighting effects.
- (l) **Freestanding sign**: A sign permanently attached to the ground and that is wholly independent of any building or other structure. The term "freestanding sign" includes but is not limited to the following:
1. *Ground sign*: A freestanding sign in which the entire bottom of the sign face or structure is in contact with the ground, providing a solid and continuous background for the sign face from the ground to the top of the sign, also referred to as a "monument sign".
  2. *Pole sign*: A sign that is mounted on one or two freestanding poles, column(s), or similar support.
- (m) **Illegal sign**: Any sign erected without a permit when a permit for the sign is otherwise required by this section or previously adopted ordinance or code; a permitted sign which has not been properly erected in accordance with the permit application and approved sign permit; or an otherwise lawful and permitted sign that has become hazardous or a nuisance to the public due to poor maintenance, dilapidation or abandonment.
- (n) **Illuminated sign, external**: A sign that is partially or completely illuminated at any time by an artificial light source that directly or indirectly illuminates the face of the sign from outside the sign structure. Such source cannot be a device that changes color, flashes or alternates.
- (o) **Illuminated sign, internal**: A sign that is illuminated by an artificial light source from within the sign structure over any or all of its sign face. Such source cannot be a device that changes color, flashes, or alternates.
- (p) **Incidental sign**: A small sign, emblem, or decal no larger than 1 square foot in area. Such signs are normally located on doors, windows, and gas pumps, and are generally not readily visible or legible from public rights-of-way.

- (q) **Inflatable sign:** A sign that is intended to be expanded by air or other gas for its proper display or support.
- (r) **LED sign:** Any sign or portion thereof that uses light emitting diode technology or other similar semiconductor technology to produce an illuminated image, picture, or message of any kind whether the image, picture, or message is moving or stationary. This type of sign includes any sign that uses LED technology of any kind, whether conventional (using discrete LEDs), surface mounted (otherwise known as individually mounted LEDs), transmissive, organic light emitting diodes (OLED), light emitting polymer (LEP), organic electro polymer (OEL), or any other similar technology. An LED sign is considered to be a form of electronic changeable copy sign.
- (s) **Monument sign:** See freestanding sign.
- (t) **Moving sign:** A sign which revolves, rotates, swings, undulates, or otherwise attracts attention through movement of parts.
- (u) **Off-premises sign:** Any outdoor sign, notice or advertising devise used to advertise, announce, or promote a business, professional, commercial or industrial enterprise or undertaking which is located and which is operated at a site other than the premises upon which the sign is located.
- (v) **Permanent sign:** Any sign which, when installed, is intended for permanent use. A permanent freestanding sign shall be of a type and construction as not to be easily or readily removed from the lot on which it has been erected. Permanent sign excludes signs that were manufactured or designed to be movable or temporary but were later installed in such a manner as to be immovable
- (w) **Portable sign:** A sign which is not permanently affixed to the ground or to a structure, including but not limited to signs on trailers or signs mounted or painted on vehicles which are parked in such a manner as to serve the purpose of a sign. Such sign shall not exceed 32 square feet if double faced or 16 square feet in sign area per side.
- (x) **Principal freestanding sign:** The main, most prominent or largest freestanding sign on a property. Such signs are of permanent construction and not placed as temporary signage.
- (y) **Project entrance sign:** A freestanding sign located at the entrance of the development on properties housing multiple buildings and/or uses.
- (z) **Public sign:** A sign erected or caused to be erected by a governmental entity.
- (aa) **Roof sign:** A sign mounted on, and supported by, the main portion of a building or above the uppermost edge of a parapet wall or a building, and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves and architectural projections, such as canopies or marquees, shall not be considered to be roof signs but are considered building signs.
- (bb) **Standard yard sign:** A temporary non-illuminated sign with an area not greater than 4½ square feet with a sign face for short-term use, containing no reflective elements, flags or projections.

**Sign face:** That portion of the surface of a sign structure where words, letters, figures, symbols, logos, fixtures, colors, or other design elements are or may be located in order to convey the message, idea, or intent for which the sign has been erected or placed. The sign face may be composed of 2 or more modules on the same surface that are separated or surrounded by open space or by portions of a sign structure not intended to contain any advertising message or idea and are purely structural or decorative in nature.

**Sign module:** Each portion or unit of a sign face that is clearly separate from other such units by virtue of the expression of a complete thought, message, logo, or idea.

**Sign structure:** A structure exclusively or primarily intended to support a sign face and which, in combination with the sign face, comprises a sign as defined in this chapter. A sign structure comprises all elements of a freestanding sign, including the sign face, background, or decorative elements related to the presentation or support of the sign's message, and the structural supports. A structure that incidentally supports a sign face but whose primary purpose is other than providing such support, such as, but not limited to, an exterior wall of a building, a roof, a structural retaining wall, or a decorative freestanding fence or wall at a project entrance is not considered a sign structure.

**Single-family dwelling:** A dwelling structure that is designated for the use of one family.

Small Cell Infrastructure: See "Micro-Cell."

**Snack shop:** The selling of prepackaged sealed foods, which require no further warming, heating, refrigeration, or preparation and/or the selling of prepackaged sealed nonalcoholic beverages, which require no further warming, heating, or preparation.

**Solar collection system:** A panel or other solar energy device, the primary purpose of which is to provide the collection, inversion, storage, and distribution of solar energy for the generation of electricity, space heating, space cooling or water heating.

**Solar energy equipment:** Any device associated with a solar energy system, such as an outdoor electrical unit/control box, that transfers solar energy from the solar energy system to the intended on-site structure.

**Special events facility:** A structure or space kept, used, maintained, advertised, and held out to the public as a place which serves as a location for special events including, but not limited to, weddings and receptions, anniversary receptions, bar/bat mitzvah receptions, birthday parties, and other such parties, receptions or events. A special events facility shall meet applicable requirements in Article 3 (Restrictions on Particular Uses).

**Special exception:** A special exception is a use which is compatible with the primary district use but, because of its nature, should be considered by the Board of Commissioners through application for issuance of a special use permit.

**Special use permit:** A permit required as a precondition to a certain land use under this Development Code which is identified as a special exception. The grant of a special use permit is identified as a zoning decision of the Harris County Board of Commissioners, therefore, requiring a public notice and hearing.

**Stabilization:** The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

**Start of construction:** The date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (Note: Accessory structures are NOT exempt from any Code requirements.) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling,

floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**State waters:** Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drain-age systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

**Story, building:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and ceiling next above it.

**Street:** A public or private thoroughfare, whether designated as an avenue, road, boulevard, highway, expressway, land, alley, or other way, which provides a way for vehicular traffic and affords the principal means of access to abutting property.

For the purposes of this resolution "streets" are divided into the following categories:

- (a) **Major or arterial streets:** Those streets designated as such on the Major Thoroughfares Plan of Harris County, which serve primarily as major traffic ways for travel through and within the county.
- (b) **Secondary or collector street:** A street used to carry traffic from the "minor streets" to the "major streets" and includes, but is not limited to, the principal entrance and circulation streets of a subdivision.
- (c) **Minor or local street:** A street used primarily for access to the abutting properties.
- (d) **Alley:** A minor way used for the service access to the back or side of properties otherwise abutting on a street.
- (e) **Cul-de-sac:** A "minor street" having one end open to traffic and the other end permanently terminated with a paved turnaround.
- (f) **Dead end:** A stub street in a subdivision which will at a later time be continued into another portion of the subdivision.

**Street line:** The legal line between street right-of-way and abutting property.

**Structure:** A combination of materials to form a construction that is safe and stable, which includes, but is not limited to walled or roofed buildings, decks or patios, platforms, communication towers, sheds, storage bins, fences, display signs, and similar structures.

**Subdivider:** the person, firm, corporation, syndicate or other entity having such a proprietary interest in the land to be subdivided as will authorize the maintenance of proceedings to subdivide such land under this resolution or the authorized agent of such person, firm or corporation for the purpose of undertaking activities covered by these regulations.

**Subdivision:** The division of a single lot into two or more lots for the purpose of sale or development.

**Substantial improvement:** As it relates to flood damage, any reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds 50% of the market value of the structure prior to the "start of construction" of the improvement. The market value of the structure means:

- (a) The appraised value of the structure prior to the start of the initial repair or improvement, or
- (b) In the case of damage, the value of the structure prior to the damage occurring.

- (c) This term includes structures, which have incurred "substantial damage", regardless of the actual amount of repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building.
- (d) The term does not, however, include the following:
  - (1) Those improvements of a structure required to comply with existing violations of state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions and which have been identified by the code enforcement official, and not solely triggered by an improvement or repair project, or
  - (2) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**Substantially improved existing manufactured home parks or subdivisions:** As it relates to flood damage Existing manufactured home parks or subdivisions where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50% of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

#### 1302.20 T

**Telecommunication facility:** Towers or antennas, either individually or together.

**Telecommunication Support Structure:** Any freestanding structure that is designed to support or capable of supporting and constructed primarily for the purpose of supporting telecommunication equipment; this term shall include self-supporting, guyed, and monopole support structures. The term includes, and is not limited to, radio and television transmission telecommunication support structures, microwave telecommunication support structures, common-carrier telecommunication support structures, cellular telecommunication support structures, man-made trees, alternative telecommunication support structures, and other similar structures. In the public rights-of-way, only telecommunication support structures erected for the installation of "small cells" shall be permitted.

**Temporary building:** A temporary building may be a mobile home, metal or wood building which may be used on site before and during construction. A temporary building must comply with applicable duration provisions in Article 3 (Restrictions on Particular Uses).

Temporary Signs:

- (a) **Temporary pole sign:** A temporary non-illuminated sign with an area not greater than 4½ square feet with a sign face for short-term use, containing no reflective elements, flags or projections, mounted on a pole on a nonresidential lot.
- (b) **Temporary window sign:** A temporary non-illuminated sign with an area not greater than 3 square feet, containing no reflective elements, flags or projections and mounted in the window of a nonresidential structure.

**Tiny House:** A site-built or modular (industrialized building) detached single-family dwelling that does not exceed 400 square feet in total area of habitable floor space, excluding loft spaces, and that is affixed to a permanent load-bearing foundation and does not contain a permanent metal chassis. Habitable spaces are for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces. This definition excludes travel trailers, recreational vehicles, manufactured homes and mobile homes as defined herein.

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

**Trailer, travel or camping:** A portable or mobile living unit used for recreative occupancy away from the place of residence of the occupants, and not constituting the principal place of residence of the occupants, a unit eight feet wide or less not inspected by the State Fire Commissioner's Office or U.S. Department of Housing and Urban Development (HUD).

### 1302.21 U

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

**Utility:** Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, stormwater systems, and railroads.

- (a) **Utility, private:** An establishment whose primary business is to provide essential services directly to a specified group of the general public who are not provided such services by a public utility (i.e. private community water or sewage systems that serve a homeowners' association or other limited group of individuals)."
- (b) **Utility, public:** An establishment whose primary business is to provide essential services directly to the general public such as electricity, water, gas, sewage, telephone, etc. Rates charged by such utilities are regulated by state public service commission.
- (c) **Utility, wholesale:** An establishment whose primary business is to provide services and/or products to public utilities. Rates charged by such utilities are not regulated by the state public service commission.

### 1302.22 V

**Variance:** A request for relief from the standards of this Development Code, which permits construction in a manner otherwise prohibited by this article.

**Vegetated area, natural:** An undeveloped area largely free from human disturbance where naturally occurring vegetation is allowed to remain undisturbed or is enhanced and maintained by human intervention. Activities specifically allowed in such an area include:

- (a) Conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife.
- (b) Outdoor recreational activities including hunting, fishing, trapping, bird watching, hiking, boating, horseback riding, swimming, canoeing, skeet and trap shooting, education, scientific research, and nature trails.
- (c) Maintenance or repair of lawfully located roads, structures, and utilities used in the service of the public, provided that the work is conducted using best management practices to ensure that negative effects on the previous nature of the land shall be minimized.
- (d) Limited excavating, filling, and land-disturbance necessary for the repair and maintenance of structures necessary to the uses permissible in the area as above.

**Violation:** The failure of a structure or other development to be fully compliant with the county's floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required by this Development Code is presumed to be in violation until such time as that documentation is provided.

**Visible:** Capable of being read from public right-of-way or adjacent property, without visual aid by a person with normal vision.

#### 1302.23 W

**Watercourse:** Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or flood water.

**Wetland delineation:** The establishment of wetland boundaries by a representative of the U.S. Army Corps of Engineers or an authority designated by the Corps.

**Wetland district:** All wetlands within the jurisdiction of Harris County.

**Wetland:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. Wetlands generally include swamps, marshes, bogs, and similar areas.

#### 1302.24 Y

**Yard:** An open space between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except where otherwise specifically provided in this Development Code. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

- (a) **Front yard:** An open, unoccupied space on the same lot with a main building extending the full width of the lot and situated between the street line and the front line of the building projected to the side line of the lot. The depth of the front yard shall be measured between the front line of the building and the street line.
- (b) **Rear yard:** An open (other than for permitted accessory structures) space on the same lot with the principal building between the rear line of the building and the rear line of the lot and extending the full width of the lot.
- (c) **Side yard, interior:** A yard between the building and attached structures, and adjacent side property line of the lot adjoining another lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.
- (d) **Side yard, exterior:** A yard between the building and attached structures, and the adjacent street right-of-way line along the lot extending from front yard to rear yard. Also referred to as a "street side yard."

#### 1302.25 Z

**Zero lot line.** The location of a building on a lot in such a manner that 1 or more of the building's sides rest directly on a lot line, such as patio homes or fee simple townhouse condominiums.

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

**Zoning decision or zoning change:** Final action by the Board of Commissioners which results in:

- (a) The adoption of a Development Code;
- (b) The adoption of an amendment to a Development Code which changes the text of the Development Code (text amendment);
- (c) The adoption of an amendment to the Development Code which rezones property from one zoning district to another (rezoning); or
- (d) The approval of a special use permit.



## Article 14. Inactive Zoning Districts

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## Article 14. Inactive Zoning Districts

The purpose of this Article is to identify use and development standards that apply to individual zoning districts which are no longer active, but which continue to apply to properties zoned in those classifications. No additional parcels will be rezoned to any inactive district classification.

### Sec. 1401. Other Regulations that Apply.

#### 1401.01 Development Code.

Other zoning and development regulations found within this Development Code, or the Harris County Code of Ordinances also apply to uses allowed within an inactive zoning district, unless the type of regulation shown below is specifically addressed in this Article.

### Sec. 1402. Resort.

Regulations set forth in this section are the Resort District regulations.

#### 1402.01 Resort District Intent.

The objective of this district is to provide areas within the county to encompass recreational activities as well as other related activities in order to promote tourism and serve existing residents of the county and cities. The district may include temporary and permanent housing.

#### 1402.02 General Restrictions.

- (a) No new resort development district shall be created after October 6, 1993. All property designated and zoned as Resort development which existed on October 6, 1993 shall be permitted to exist unless otherwise rezoned.
- (b) After August 19, 2003 no Resort zone shall be enlarged or otherwise changed without being rezoned in accordance with this Development Code for the zone and uses intended for the subdivision or change.

#### 1402.03 Use Regulations.

- (a) In General.
  - (1) Resort developments should encompass active and passive recreational activities housing, and other supportive commercial land uses such as restaurants, shops and motels.
  - (2) A Resort District may include temporary and permanent housing in accordance with applicable regulations of this Development Code.
- (b) See Table 2-1 and Table 2-2 in Article 2 of this Development Code for allowed uses within the Resort District.
- (c) Public Recreational Uses Required.
  - (1) All recreational activities within a Resort development shall be open to the public;
  - (2) Development of recreational activities shall be concurrent with the proposed housing development; and
  - (3) A minimum of 5 of the following activities shall be proposed:

Golf, tennis, a swimming pool, boating, a beach, a walking trail, horseback riding, amusement devices as defined by current amusement standards, or others as approved by Harris County Planning Commission.

**1402.04 Minimum Development Standards,**

- (a) Minimum Area (for total development): 500 acres
- (b) Setbacks.

Where resort development abuts a public road, the minimum setback requirements shall be those of the most restrictive adjacent zoning district.

- (c) For minimum development regulations pertaining to particular uses, refer to individual zoning district standards set forth in Table 4-1 of this Development Code.

**1402.05 Applications for Development in the Resort District.**

- (a) Site Plan Required.

A site plan for the total acreage must be submitted to the Planning Commission for review and approval to ensure consistency with the overall plans for the appropriate development of the county. Final approval of the plan rests with the Board of Commissioners.

- (b) Site Plan Amendments.

A site plan for a development in the Resort zoning district may be amended in accordance with Section 1113 of Article 11 (Procedures and Permits).