

PART II - OFFICIAL CODE
APPENDIX C - LAND USE REGULATIONS
ARTICLE VII. SHORTTERM RENTALS

ARTICLE VII. SHORT TERM RENTALS

Section 700. Purpose.

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

(Res. No. 2019-09, 6-4-19)

Section 701. License required.

- (a) It is unlawful for any person to operate or advertise as a short term rental within the county without a valid business occupational tax license, a host license and authorization to collect hotel/motel tax.
- (b) Short term rental properties that have a current occupational tax license, a current host license and are remitting hotel/motel taxes in White County prior to (effective date) will be grandfathered in as legal short term rentals in the A-1, R-1, R-2 or R-3 Districts. The grandfather of the short term rental goes with property, so future owners will be able to operate short term rentals as long as they acquire the business occupational tax license, the host license and authorization to collect hotel/motel tax from White County.

(Res. No. 2019-09, 6-4-19)

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Section 702. Permitted uses.

- (a) Short term rentals are allowed as a permitted use in A-1, R-1, R-2 and R-3 Residential District (Seasonal) land districts.
- (b) Short term rentals are not allowed in subdivisions in any district, unless the covenants of the subdivision/Homeowners Association specifically allow for short term rentals.
- (c) Short term rentals are prohibited in C-1 Community Commercial; C-2 Highway Business and I Industrial districts.

(d)

(Res. No. 2019-09, 6-4-19)

Deleted: allowed as a conditional use in A-1 Agricultural/Forestry, R-1 Residential Single-Family and R-2 Residential Multi-Family districts. Shortterm rental properties in A-1, R-1 and R-2 will have to acquire a conditional use permit through the process outlined in this ordinance, obtain an occupational tax license and hotel/motel tax authorization certificate, prior to renting the property

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

Section 703. Applications.

- (a) Applicants for Short Term Rentals will have to complete applications for an occupational tax license and a host license and will need to obtain a zoning/subdivision verification letter from the White County Community and Economic Development Department.
- a. Zoning verification will be based on the current official land use map as referenced in Section 302 of Appendix C of White County Code of Ordinances.

Deleted: (a) . Shortterm rental conditional use permit applications have to comply with section 1804 of this appendix and in addition

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b. Subdivision determination will be based on an official subdivision map that is approved by the White County Board of Commissioners as referenced in Chapter 16 of White County Code of Ordinances.

(Res. No. 2019-09, 6-4-19)

Section 704. Reserved

(Res. No. 2019-09, 6-4-19)

Section 705. Violations.

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

(Res. No. 2019-09, 6-4-19)

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Deleted: (b) . Acknowledge that the applicant will keep the total number of guests to that number which can safely stay in the premises and that the applicant may be subject to the State of Georgia's fire safety code regulations. ¶

(c) . Certify that there are no deed restrictions and/or covenants on a property that prohibits the use of the property as a shortterm rental. ¶

(d) . Certify that the owner has commercial or specific shortterm rental insurance for the property. ¶

(e) . Attest by owner or third party inspector that shortterm rentals meet applicable International Building Code, International Fire Code regulations and NFPA 101 Life Safety Codes. ¶

Deleted: Shortterm rental requirements.

Deleted: This section applies to all shortterm rental properties in White County, Georgia and is in addition to any rules that the property is subject to via any land covenants, homeowner association covenants, subdivision rules, etc. ¶

(a) . *Parking.* Vehicles shall not be parked on the county right-of-way so as to hinder access to such and shall not be parked along any roadways which would cause safety issues, hinder access to such roadways or be in violation of any laws, subdivision rules, etc. ¶

(b) . *Solid waste/trash.* Trash and refuse shall not be left or stored in such a way that would cause safety issues, hinder access to the public right-of-way, violate subdivision rules, etc. ¶

(c) . *Noise.* Shortterm rentals shall not violate any noise or sound regulations, subdivision rules, etc. ¶

(d) . *Hours of operation.* Check-in/departure and other rental-related activities should occur between 6 a.m. and 10 p.m. ¶

(e) . *Additional information.* Shortterm rental owners or responsible parties must provide the White County Clerk's office with the following information: ¶

1. . Full contact information for a local contact (responsible party) who is available 24 hours a day to respond within two hours to any complaint about the property or guest behavior. ¶

2. . The 911 address for all properties owned/operated by the occupational tax license owner or responsible management company. ¶

3. . Certify that there are no unpaid financial obligations to White County. ¶

4. . Rental management companies shall either list each property separately on the monthly lodging tax form that is submitted to the White County Clerk's office, or provide a separate lodging tax form for each property to the White County Clerk's office. ¶

5. . Business occupation tax certificate and hotel/motel tax authorization certificate must be prominently displayed at the property. ¶

ARTICLE IX. AGRICULTURE FORESTRY DISTRICT, A-1

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

Section 900. Purpose and intent.

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

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

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

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

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

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

(Res. No. 2019-09, 6-4-19)

Section 901. Permitted uses.

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

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(Supp. No. 60)

13. Home occupations as defined and limited by this ordinance.

14. ~~Single-family residences, not in a platted subdivision, placed with vacation rental cabin agencies or placed in a shortterm rental program provided that the owner obtains an occupational tax certificate, a host license and a certificate of taxing authority.~~

Moved (insertion) [1]

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(Res. No. 2019-09, 6-4-19; Res. No. 2023-01, 1-19-23)

Section 902. Conditional uses.

2. Radio and communication towers, transmission or communication substations.
3. Child caring institutions providing other types of residential care and room, board and watchful oversight.
4. Outdoor recreation uses and campgrounds uses provided that all structures and activity areas are buffered and located a minimum of 100 feet from the boundary of any other land use district.

Moved up [1]: 1. Single-family residences placed with vacation rental cabin agencies or placed in a shortterm rental program provided that the owner obtains an occupational tax certificate and a certificate of taxing authority. ¶

(Res. No. 2019-09, 6-4-19; Res. No. 2023-01, 1-19-23)

Section 903. Special use permit.

1. Amusement parks, related attractions and performance entertainment facilities.
2. Animal mills or pet breeding facilities.
3. Auto or motorsports tracks or related facilities.
4. Meat processing and slaughter yards.
5. Rooming, boarding or group housing, and group recovery/homes/centers.
6. Shooting ranges (outdoor or indoor).
7. Substance abuse and treatment facilities.

(Res. No. 2019-09, 6-4-19)

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

Section 1000. Purpose and intent.

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

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

(Res. No. 2019-09, 6-4-19)

Section 1001. Permitted uses.

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

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(Res. No. 2019-09, 6-4-19)

Section 1002. Conditional uses.

1. Cemeteries, churches, temples, synagogues and places of worship set back 50 feet from all property lines.
2. Parks, playgrounds, community centers, swimming pools, golf courses and other recreational facilities operated on a non-profit basis.
3. Public, semi-public buildings, structures and uses.
4. Public, private and parochial schools and related educational institutions not offered for profit.
5. Agri-tourism, heritage tourism, wedding tourism, event facilities and attractions, as defined by this resolution, with required driveway access improvements and parking facilities and provided that all structures and activity areas are buffered and located a minimum of 100 feet from the boundary of any other land use district.
7. Child caring institutions providing other types of residential care and room, board and watchful oversight.

Moved up [2]: 5. . Single-family residences placed with vacation rental cabin agencies or placed in a shortterm rental program provided that the owner obtains an occupational tax certificate and a certificate of taxing authority. ¶

(Res. No. 2019-09, 6-4-19)

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(Supp. No. 60)

Section 1003. District requirements.

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

(Res. No. 2019-09, 6-4-19)

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

Section 1100. Purpose and intent.

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

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

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

(Res. No. 2019-09, 6-4-19)

Section 1101. Permitted uses.

1. Residences, multi-family, not to exceed 16 units per acre, including:
 - a. Apartments.
 - b. Condominiums.
 - c. Townhouses.
 - d. Duplexes, with shared driveways.
2. Manufactured housing or mobile home parks in conformance with the White County manufactured mobile home park requirements in the White County Code.
3. Accessory uses and structures normally incidental and subordinate to one or more permitted uses.
4. Home occupations as defined and limited by this ordinance.
5. Single-family residences, not in a platted subdivision, placed with vacation rental cabin agencies or placed in a short-term rental program provided that the owner obtains an occupational tax certificate, a host license and a certificate of taxing authority.

(Res. No. 2019-09, 6-4-19)

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(Supp. No. 60)

Section 1102. Conditional uses.

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

(Res. No. 2019-09, 6-4-19)

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

Section 1103.1. Plan review and site plan approval required.

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

(Res. No. 2019-09, 6-4-19)

Section 1103.2. Site plan requirements.

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

1. Title or name of the proposed development.
2. Scale (minimum) 1" = 100 feet.
3. Sheet size (maximum) 24"x36".
4. North arrow and graphic engineering scale.
5. Description of water supply and sewerage system.
6. Vicinity map.
7. Total acreage.
8. Total disturbed acreage.
9. Name, address, and phone number of owner of record.
10. Name, address, and phone number of preparer of plan.
11. Date of plan drawing and revision date(s) if any.
12. Existing buildings and structures on or encroaching on the tract.

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13. Proposed buildings, structures, and amenity areas on the tract.
 14. Existing streets, utilities, and easements on and adjacent to the tract.
 15. Proposed streets, utilities, and easements on and adjacent to the tract.
 16. Environmental conditions (streams, wetlands, watersheds, groundwater recharge areas, flood hazard areas, river corridor protection boundaries, mountain and hillside protection areas, etc.).
 17. Right-of-way widths and pavement widths for abutting streets and existing and proposed streets.
 18. Locations of drainage structures and stormwater management facilities.
 19. Minimum building setbacks.
 20. Location of nearest fire hydrant.
 21. Land surveyor's stamp, certificate, and signature, including field survey and closure statement.

(Res. No. 2019-09, 6-4-19)

Section 1103.3. Parking.

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

(Res. No. 2019-09, 6-4-19)

Section 1103.4. Interior roads and sidewalks.

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

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

(Res. No. 2019-09, 6-4-19)

Section 1103.5. Fire protection.

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

(Res. No. 2019-09, 6-4-19)

Section 1103.6. Street lighting.

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

along the streets within the proposed development, and street lighting shall be placed at every parking bay within the proposed development.

(Res. No. 2019-09, 6-4-19)

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

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

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

(Res. No. 2019-09, 6-4-19)

Section 1103.8. Utilities.

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

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

(Res. No. 2019-09, 6-4-19)

Section 1103.9. Stormwater management.

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

All proposed developments within this district shall be designed in accordance with stormwater management standards in the Georgia Stormwater Management Manual.

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

(Res. No. 2019-09, 6-4-19)

Section 1103.10. Refuse collection.

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

(Res. No. 2019-09, 6-4-19)

Section 1103.11. Street names and unit numbering.

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

(Res. No. 2019-09, 6-4-19)

Section 1103.12. Service buildings and amenity areas.

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

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

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

(Res. No. 2019-09, 6-4-19)

Section 1103.13. Signage.

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

(Res. No. 2019-09, 6-4-19)

Section 1103.14. Apartment complex requirements.

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

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7. No more than 16 units shall be permitted to form any one single building.

(Res. No. 2019-09, 6-4-19)

Section 1103.15. Condominium development requirements.

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

(Res. No. 2019-09, 6-4-19)

Section 1103.16. Townhouse development requirements.

1. Each townhouse shall be its own lot of record.
2. Minimum area for townhouse developments is three acres.
3. Minimum lot width for the overall development shall be 100 feet and minimum lot frontage of 60 feet along either a state route, county arterial or collector route.
4. Townhouse developments shall have a front setback of a minimum of 50 feet from the route that it is accessing.
5. No townhouse building or structure shall exceed the height of 40 feet.
6. Townhouse buildings and structures shall be constructed to have a minimum separation of at least 20 feet if one or more buildings contain two or more stories. The fire service code may require a greater separation as building height increases.
7. All dwelling units shall have a minimum heated floor area of 800 square feet.
8. No more than four units shall be permitted to form any one single building.
9. Townhouses may utilize shared driveways in lieu of off-street parking in bays.

(Res. No. 2019-09, 6-4-19)

Section 1103.17. Duplex, cottage and attached housing requirements.

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

(Res. No. 2019-09, 6-4-19)

Section 1104. Special use permit.

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

(Res. No. 2019-09, 6-4-19)

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

Section 1200. Purpose and intent.

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

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

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

(Res. No. 2019-09, 6-4-19)

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(Supp. No. 60)

Section 1201. Permitted uses.

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

(Res. No. 2019-09, 6-4-19)

Section 1202. Conditional uses.

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

(Res. No. 2019-09, 6-4-19)

Section 1203. Special use permit.

1. Amusement parks, attractions and performance entertainment facilities.

(Res. No. 2019-09, 6-4-19)

ARTICLE XXII. DEFINITION OF TERMS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Buffer, opaque vegetative: An evergreen buffer of shrubbery, such as Holly or Leyland Cypress that when mature, has a minimum height of six feet. When planted, the distance between the shrubs shall be sufficient to create a solid opaque barrier when mature. Plants must reach a height of six feet within two years of planting. The owner shall be responsible for all maintenance of the vegetative buffer, to include replacement of plants if necessary, and to ensure continual compliance with height requirements.

Building: Any structure, either temporary or permanent, above or below ground, having a roof or other covering, and designed, built or used as a shelter or enclosure for persons, animals, property, or waste of any kind, or similar structures used for purposes of a building as defined herein.

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

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

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

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

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

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

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

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

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

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

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

Common Development: A group of 4 or more platted lots approved by White County Planning Commission, the White County Community and Economic Development Department and/or recorded in a plat book with the White County Clerk of Court.

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

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

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

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

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

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

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

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

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

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

County: Unincorporated White County.

Day care center: A child care facility, pre-kindergarten, play or other special school for young children (other than at public or private elementary schools) providing, for compensation, care and maintenance to seven or more

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children under age 17 for a period of 12 hours or less, typically during normal daytime hours. A day care center of six children or less is considered to be a home occupation.

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

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

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

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

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

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

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

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

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

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

Farm: An area of land principally devoted to agriculture.

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

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

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

Governing body: The board of commissioners of White County, duly elected by the citizens within the jurisdiction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Landfill, solid waste: A landfill accepting any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities, but does not include recovered materials or hazardous waste; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. section 1342; or source, special nuclear, or byproduct material as defined by the Federal Atomic Energy Act of 1954, as amended (68 Stat. 923).

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

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

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

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

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

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

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

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

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

Manufactured home: A detached, single-family dwelling unit designed for longterm occupancy and constructed in one or more units made to be transported after fabrication on wheels and when connected to required utilities to include plumbing and electrical systems. Such a dwelling shall be constructed in accordance with the Federal Manufactured Home Construction and Safety Standards, which came into effect on June 15, 1976, as amended, and shall bear the insignia issued by the U.S. Department of Housing and Urban Development (HUD).

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Removal of the wheels and placement on a foundation does not change its classification. Travel trailers and recreational vehicles are not manufactured/mobile homes.

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

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

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

Mobile home/manufactured home park: A parcel of land or any portion thereof under single ownership which has been designed, planned, or improved for the placement of more than four mobile homes/manufactured homes for residential use, including land, buildings, and facilities used by the occupants of such homes on the property.

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

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

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

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

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

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

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

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

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

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

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

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

Owner/innkeeper: Any person who, alone or with others, has title or interest in any residential structure, building, property, or portion thereof, with or without accompanying actual possession thereof, including any person who, as tenant, agent, executor, administrator, trustee, or guardian of an estate, has charge, care, or control of any shortterm rental use.

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

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

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

Planning commission: The White County Planning Commission.

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

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

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

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

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

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

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

Responsible party: An individual(s) with the legal authority to make and act on decisions of tenancy, building maintenance, complaints and repairs relating to applicable safety codes. The responsible party must be available as a point of contact for the county as well as any shortterm rental guest(s) for the duration of the stay in the shortterm rental. The responsible party shall be available 24 hours per day, seven days per week for the purpose of responding within two hours to complaints related to the shortterm rental and taking remedial action to resolve such complaints.

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

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

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

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

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

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

Semi-public use: Any building, structure or use owned and/or operated by private utilities for the purpose of providing utilities to the public, or which is reasonably necessary for the furnishing of adequate service by such utilities, such as but not limited to the following: underground or overhead gas, electrical, steam, or water distribution or transmission lines or systems, electric power substations, wires, towers, cables, and poles.

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

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

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

Shortterm rental host/innkeeper: Any person who is the owner of a lodging accommodation or any part thereof that is offered for shortterm rentals for periods of 30 days or less and who is responsible for applying for a shortterm rental host application and fee.

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

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

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

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

Subdivision, platted: A subdivision of common development with a final plat approved by the White County Planning Commission, the White County Community and Economic Development Department or recorded in a plat book with the White County Clerk of Superior Court, which are designed for the purpose of sale, lease, legacy or building development.

Subdivision, platted for family/estate: A subdivision of land with a final plat approved by the White County Planning Commissioner, the White County Community and Economic Development Department or recorded in a plat book with the White County Clerk of Superior Court, which are designed for intra-family land transfer and not for the purpose of sale, lease or building development.

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

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

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

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

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

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

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

Vehicles: Vehicles include cars, trucks, boats, ATVs, trailers, golf carts and motorcycles.

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

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ARTICLE XXII. DEFINITION OF TERMS

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

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

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

(Res. No. 2019-09, 6-4-19)

ARTICLE XVIII. AMENDMENT, APPLICATION AND PROCEDURAL REQUIREMENTS

Section 1800. Authority to amend.

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

(Res. No. 2019-09, 6-4-19)

Section 1801. Initiation of land use amendments.

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

(Res. No. 2019-09, 6-4-19)

Section 1802. Frequency of application.

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

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

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

(Res. No. 2019-09, 6-4-19)

Section 1803. Withdrawal of amendment application.

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

(Res. No. 2019-09, 6-4-19)

Section 1804. Application requirements.

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

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

Application materials shall include:

1. An application form furnished by the planning department; and
2. A legal description of the property to be considered in the application. The legal description shall be by metes and bounds unless an alternative legal description which clearly describes the property in question without ambiguity and without conflicting with the description of any other property, is determined to be acceptable by the planning director. Boundary surveys of the property should be submitted with the application; and
3. A letter of intent which describes general characteristics of the proposed development, such as type and timeframe of development, background information in support of such application, professional studies, as required by the planning director, and any other information deemed pertinent by the applicant.
 - (A) For variance applications, the letter shall address the criteria specified in this appendix.
 - (B) For land use district map amendment applications, the letter of intent shall address the standards specified in this appendix.
 - (C) For conditional use permit applications, the letter of intent shall address the standards specified in section 1807 of this appendix.
 - (D) For conditional use permit applications for shortterm rentals, applications must include all items specified in section 703 of this appendix.
 - (E) For special use permits application, the letter shall address the standard specified in article XVIII of this appendix.
4. A site plan prepared by an architect, engineer or surveyor, with professional stamp, with all information specified in this appendix. Unless otherwise noted in the approval, the site plan submitted in support of an approved application shall be considered a part of the approval and must be followed.
5. A fee for said application as established by the board of commissioners.
6. Applications which require action by the board of commissioners shall also require disclosure of any conflicts of interest as specified in chapter 67A of the Georgia Code, "Conflict of Interest in Land Use District Actions."

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

(Res. No. 2019-09, 6-4-19)

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(Supp. No. 60)

Section 1805. Site plan requirements.

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

1. Title or name of the proposed development.
2. Scale (minimum) 1" = 100 feet.
3. Sheet size (maximum) 24"x36".
4. North arrow and graphic engineering scale.
5. Description of water supply and sewerage system.
6. Vicinity map.
7. Total acreage.
8. Total disturbed acreage.
9. Name, address, and phone number of owner of record.
10. Name, address, and phone number of preparer of plan.
11. Date of plan drawing and revision date(s) if any.
12. Existing buildings and structures on or encroaching on the tract.
13. Proposed buildings, structures, and amenity areas on the tract.
14. Existing streets, utilities, and easements on and adjacent to the tract.
15. Proposed streets, utilities, and easements on and adjacent to the tract.
16. Environmental conditions (streams, wetlands, watersheds, groundwater recharge areas, flood hazard areas, river corridor protection boundaries, mountain and hillside protection areas, etc.).
17. Right-of-way widths and pavement widths for abutting streets and existing and proposed streets.
18. Locations of drainage structures and stormwater management facilities.
19. Minimum building setbacks.
20. Existing and proposed parking areas.
21. Location of nearest fire hydrant.
22. Land surveyor's stamp, certificate, and signature, including field survey and closure statement.

(Res. No. 2019-09, 6-4-19)

Section 1806. Criteria to consider for map amendments.

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

1. The existing uses and district designation of nearby property and whether the proposed land use will adversely affect the existing use or usability of nearby property.
2. The extent to which property values are diminished by the particular zoning restrictions.
3. The extent to which the destruction of property values promotes the health, safety, morals or general welfare of the public.

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

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

(Res. No. 2019-09, 6-4-19)

Section 1807. Conditional uses.

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

Such conditions:

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

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1. Land use districts established herein permit certain uses which are allowable therein provided they meet specified conditions, as set forth therein and here. No such use shall be permitted until a conditional use permit has been issued authorizing such use. The procedures for granting such permits shall be the same as for amendments to the zoning ordinance or zoning map.
 2. Those conditions specified in this appendix shall be considered to be the minimum standards which must be met before the conditional use application may be considered by the planning commission for review and recommendation and the board of commissioners for decision. In deciding upon whether or not a conditional use meets the minimum standards and promotes the health, safety, morals, or general welfare of the county, the board of commissioners shall utilize the applicable standards of review set forth in this appendix.
 3. If the board of commissioners, after applying the evidence to the standards of review and conditions, have been convinced that the allowance of the conditional use will promote the health, safety, morals, or general welfare of the county, a conditional use permit may be granted, subject to those provisions that may be imposed by the board of commissioners.

(Res. No. 2019-09, 6-4-19)

Section 1808. Criteria to consider for conditional uses.

The applicant, staff, planning commission and board of commissioners should review applications for conditional uses with regard to the following criteria, in addition to other standards and criteria set forth in this appendix:

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

(Res. No. 2019-09, 6-4-19)

Section 1809. Public notice and public hearing required.

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

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

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

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

Public hearings may be delayed, rescheduled or continued at another time and date, provided announcement is given at the time and place of the initially scheduled and advertised public hearing, and provided such date, time and location of the public hearing to be delayed, rescheduled or continued is given. If the applicant of a petition before the planning commission or fails to attend the public hearing, then the planning commission may require re-advertisement of the subject petition at the expense of the applicant or may proceed on the application in the absence of the applicant or the applicant's legal representative. If the petition has been rescheduled or delayed at the request of or due to the absence of the applicant, the petition may be held for up to two meeting cycles without resubmittal being required. If after two meeting cycles no action as been taken by the applicant, the petition will be considered closed and a new application would need to be submitted in order to be presented to the planning commission.

(Res. No. 2019-09, 6-4-19; Res. No. 2023-01, 1-19-23)

Section 1810. Recommendation by planning director.

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

(Res. No. 2019-09, 6-4-19)

Section 1811. Planning commission recommendation.

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

After completing its studies of the particular petition, the planning commission shall submit a recommended action in writing to the board of commissioners. The planning commission may submit any additional report it deems appropriate. The recommendations of the planning commission shall have an advisory effect only and shall not be binding on the board of commissioners. Copies of the planning commission's recommendations and reports shall be made available to the applicant and other interested parties upon completion and distribution to the board of commissioners.

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

(Res. No. 2019-09, 6-4-19)

Section 1812. Conduct of public hearings.

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

1. The presiding officer shall open the hearing by stating the specific application being considered at the public hearing. At this time, the presiding officer may summarize the public hearing procedures.
2. The planning director will present a description of the proposed application, any applicable background material, his/her recommendation regarding action on said application as appropriate, and the recommendations and reports of the planning commission as appropriate.
3. Persons who support the application will be asked to comment first. The petitioner may, upon recognition and upon statement of name and address, present and explain his application. The petitioner, or his designated agent, shall be required to attend the public hearing unless written notice of hardship is received prior to such meeting. Failure of the petitioner or agent to attend the public hearing or meeting, except in cases of hardship, may be due cause for dismissal or denial of such application. A time limitation may be imposed at the discretion of the chairman, however, such time period shall be no less than ten minutes.
4. Persons who oppose the application will be asked to comment next. All interested parties after being recognized shall be afforded an opportunity to address the proposed application by standing before the appropriate body and identifying their name, address and interest, along with any comments on the proposed application. A time limitation may be imposed at the discretion of the chairman, however, such time period shall be no less than ten minutes per side with a three-minute limit per person.
5. The petitioner shall have an opportunity for summary remarks and rebuttal concerning the proposed application. The petitioner shall have the same ten-minute minimum given to those who spoke in opposition of the application.
6. Upon completion of any comments from interested parties and the petitioner, the public hearing shall be completed and adjourned.

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7. All public comments having been heard, the members of the body considering the application may discuss the request among themselves. During this discussion period, the members of the body may call on the petitioner or other interested parties to clarify points made previously or to answer questions. Said petitioner or interested parties may respond upon recognition.
 8. The public hearing procedures as adopted by the board of commissioners shall be made available to all parties and the public by requesting a copy from the clerk of the board of commissioners.

(Res. No. 2019-09, 6-4-19; Res. No. 2023-01, 1-19-23)

Section 1813. Action by the appropriate body.

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

(Res. No. 2019-09, 6-4-19)

Section 1814. Conditional approval permitted.

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

(Res. No. 2019-09, 6-4-19)

Section 1815. Standards of review.

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

- (1) The existing land use pattern;
- (2) The possible creation of an isolated district unrelated to adjacent and nearby districts;
- (3) The population density pattern and possible increase or overtaxing of the load on public facilities including, but not limited to, schools, utilities, and streets;
- (4) The cost of the county and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures;
- (5) The possible impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity;

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- (6) Whether the proposed zoning map amendment will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations;
 - (7) Whether there are substantial reasons why the property cannot be used in accordance with existing regulations;
 - (8) The aesthetic effect of existing and future use of the property as it relates to the surrounding area;
 - (9) The extent to which the proposed zoning map amendment is consistent with the land use plan;
 - (10) The possible effects of the proposed zoning map amendment on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community;
 - (11) The relation that the proposed zoning map amendment bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of these zoning regulations;
 - (12) Applications for a zoning map amendment which do not contain specific site plans carry a rebuttable presumption that such rezoning shall adversely affect the zoning scheme;
 - (13) The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight;
 - (14) In those instances in which property fronts on a major thoroughfare and also adjoins an established residential neighborhood, the factor of preservation of the residential area shall be considered to carry great weight.

After reviewing evidence, the board of commissioners shall apply the evidence to the standards of review in making their decision. It will not be required that the board of commissioners consider every criteria contained in the standards of review. It shall be the duty of the applicant to carry the burden of proof that the proposed zoning map amendment promotes the public health, safety, morality or general welfare.

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

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

(Res. No. 2019-09, 6-4-19)

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

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

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

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

(Res. No. 2019-09, 6-4-19)

Section 1817. Approval required by appropriate body.

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

(Res. No. 2019-09, 6-4-19)

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

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

(Res. No. 2019-09, 6-4-19)

Section 1819. Criteria for requiring screens and buffers.

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

1. The nature of the adjoining use;
2. The size of the property being considered for screens and buffers;
3. The existence of any light, noise, odor or other impact caused by the property being considered for screens and buffers;
4. Screens and buffers can be required as a permit condition for a conditional use permit or variance application; and
5. Any factors herein for consideration of conditional use permits.

(Res. No. 2019-09, 6-4-19)

Section 1820. Judicial review; procedures.

(1) Zoning decisions may be challenged or appealed in accordance with O.C.G.A §36-66-1 et. seq. All such challenges or appeals shall be brought within 30 days of the written decision of the challenged or appealed action.

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(2) The Board of Commissioners, as the entity having final legislative authority, designates the Chairman of the Board of Commissioners as the officer who shall have authority to perfect the petition.

(3) The Board of Commissioners designates that the County Manager shall have authority to accept service of an appeal on behalf of the local governing authority, during normal business hours, at the regular administrative offices of White County.

(4) This section shall comport to O.C.G.A §36-66-5.1 and any amendments there to.

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

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

(Res. No. 2019-09, 6-4-19)