

ZONING ORDINANCE

FOR

COOK COUNTY, GEORGIA

Adopted March 5, 2001

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Prepared by the
Greater Cook Planning Advisory Commission with Professional Assistance Provided by the
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SECTION 1

ENACTMENT, SHORT TITLE, JURISDICTION, PURPOSE

1-1 Enactment Clause. The Board of Commissioners of Cook County, Georgia, under the authority of Article IX, Section II, Paragraphs I and IV of the Constitution of the State of Georgia and the amendments thereto, hereby ordains and enacts into law the following sections.

1-2 Long Title. An ordinance regulating within the unincorporated area of Cook County, Georgia, the location; height, bulk; number of stories and size of buildings and other structures; the sizes of yards, courts, and other open spaces; the density and distribution of population; and the uses of buildings, structures, and the land for trade, industry, residence, recreation, agriculture, forestry, conservation, sanitation, protection against floods, public activities, and other purposes, creating districts for said purposes and establishing the boundaries thereof; defining certain terms used herein; providing for the methods of administration and amendment; defining the powers and duties of the Board of Appeals; providing penalties for violations; repealing conflicting ordinances; and for other purposes.

1-3 Short Title. These regulations shall be known and may be cited as the "Zoning Ordinance for Cook County, Georgia".

1-4 Jurisdiction. These regulations shall govern the use of all land and the developments thereof within the unincorporated area of Cook County, Georgia.

1-5 Purpose. The purpose of these regulations shall be to promote the proper location, height, bulk, number of stories and size of open spaces, the density and distribution of population, and the uses of building, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, sanitation, protection against floods, public activities, and other purposes so as to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote the public health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population, to prevent urban sprawl; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to promote desirable living conditions and the sustained stability of neighborhoods; to protect property against blight and depreciation; to secure economy in governmental expenditures; to conserve the value of buildings and to encourage the most appropriate use of land, buildings, and structures throughout Cook County, Georgia; and for other purposes.

SECTION 2

DEFINITIONS

For the purposes of these regulations, certain terms or words used herein shall be defined as follows:

2-1 Interpretation of Certain Terms and Words. Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

The word "person" includes a firm, partnership, company, corporation or association.

The word "lot" includes the word "plot" or "parcel".

The word "building" includes the word "structure".

The word "shall" is always mandatory, and not merely discretionary.

The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

Accessory Building. A detached, subordinate structure, the use of which is clearly incidental to, customarily associated with, and related to the principal structure or use of the land; and which is located on the same lot as the principal structure or use, including residential swimming pools.

Administrator, Zoning. The person, officer, or official and his authorized representative, whom the County Commission has designated as its agent for the administration of these regulations. (See Section 12-1)

Agriculture. The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops, grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products, fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program. Retail selling of products raised on the premises shall be considered a normal accessory activity provided that space adequate for the parking of customer's vehicles shall be provided off the public right-of-way.

Assisted-Living Facility. A residential facility that provides an array of coordinated supportive personal and health care services, available 24-hours per day, to residents who need any of these services. Such facility does not include nursing homes, or group homes for persons with a disability.

Boarding or Rooming House. A building dedicated to the lodging or feeding or both of five or more non-transient persons or separate families as defined herein for compensation.

Buffer Area; Buffer Strip. That portion of a given lot, not covered by buildings, pavement, parking, access and service areas, established as landscaped open space for the purposes of screening and separating properties with incompatible land uses, the width of which is measured from the common property line and extends the developed portion of the common property line. A buffer consists of trees, shrubs, and other natural vegetation undisturbed by grading or site development and replanted where sparsely vegetated or where disturbed for approved access and utility crossings.

Building. Any structure, except a manufactured home or mobile home, which has a roof and which is for the shelter, support or enclosure of persons, animals, or property of any kind.

Building Height. The vertical distance of a building measured from the average elevation of the finished lot grade along the front of the building to the highest point of the building.

Church. A building in which persons regularly assemble for religious worship intended primarily for purposes connected with such worship, or for propagating a particular form of religious belief.

Club, or Lodge, Private. An incorporated or unincorporated association for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities, operated for the benefit of its members and not open to the general public.

Comprehensive Plan. The 2015 Greater Cook Comprehensive Plan, as duly adopted and subsequently amended by the respective member governments of Cook County. This plan includes Future Land Use Plans and Short-Term Work Programs for each respective local government, including Cook County.

The Comprehensive Plan and the Future Land Use Map are advisory only, intended to be a guide for the future development of Cook County. At the same time, it should be recognized that neighborhood conditions may change in different ways, and at a different rate, than that anticipated by the Comprehensive Plan and future Land Use Map. The Comprehensive Plan and the Future Land Use Map should not be read to confer a present right to use property in a manner different from that allowed by the currently applicable zoning classification, or a right to have property rezoned to the classification designated in the Comprehensive Plan or Future Land Use Map.

Curb Cut. The providing of ingress and/or egress between property and an abutting public street.

Density. The overall intensity of land use for the total project. When referring to residential areas, density is defined as the number of housing units permitted per acre in the respective zoning district involved in accordance with the terms of this zoning ordinance or as authorized under the development standards of this ordinance.

Disability. A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. A "disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802 or successor law. "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. "Has a record of such an impairment" means has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.

District. Within the concept of zoning, a delineated section or sections of Cook County for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform.

Dwelling, Single Family. A detached building used and either designed or constructed for one dwelling unit.

Dwelling, Manufactured Home. A manufactured home is a detached structure transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. For the purpose of the administration of this ordinance,

the term manufactured home shall not be interpreted to include mobile homes. Manufactured home dwellings greater than fifteen years of age are not permitted to be installed or relocated in the unincorporated portion of Cook County.

Dwelling, Manufactured Housing Park. An area, under single ownership and not subdivided into customary lots planned for individual ownership, containing three or more manufactured homes used as living facilities having a defined space, or an area containing three or more spaces designed or intended for parking of manufactured homes to be used as living facilities for rent or lease.

Dwelling, Mobile Home. A manufactured home built before June 15, 1976. They do not meet current building codes.

Dwelling, Two Family, or Duplex. A building either designed, constructed, altered, or used for two adjoining dwelling units that are connected by a fire rated common wall and/or if two stories in height by a fire rated common floor.

Dwelling Unit. An enclosure of one (1) or more rooms, including kitchen and bathroom facilities, designed or constructed as a unit for residential occupancy by one (1) family.

Family. One or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, hotel, or fraternity or sorority house.

Farm. A tract of land at least ten (10) acres in size devoted to agricultural purposes.

Flea Market. An outdoor and/or indoor facility established for the purpose of selling at retail such new or used items as household goods, tools, crafts or any other combination of new or used goods. These markets, sales and displays are those that occur continuously or frequently, and specifically more than two times per year, normally at a fixed location where a proprietor, partnership, or corporation leases to vendors a booth, commercial staff or designated area from which the vendor markets his/her goods.

Floor Area, Gross. The total number of square feet of floor area in a building determined by horizontal measurements between the exterior faces of walls, excluding basement areas, attic, porches, carports, and garages.

Garden, Private. A non-commercial private garden which is an accessory use to the primary use of the zoning district. The primary use must be present at the same location as the garden in any zoning district with the exception of agricultural zoning districts.

Group Home for Persons with a Disability. A residence in which three or more persons with disabilities reside and which is licensed by the State Department of Human Resources as a personal care home under Title 31.

Group Home (Non-Disability). Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service and one or more personal services for two or more adults who are not related to the owner by blood or marriage and falls under the jurisdiction of the Georgia Department of Human Resources, but that does not meet the definition of "Group Home for Persons with a Disability".

Guest or Servant Quarters. A detached, subordinate building, located within the rear yard, designed to provide living accommodations for either domestic help in the employment of the property owner, or for guest facilities. In the AU zoning district, there is no maximum size limitation on guest or servant quarters. In all

other zoning districts in which they are allowed, guest or servant quarters shall not exceed seventy-five percent of the required minimum gross floor area per dwelling unit for the respective zoning district.

Homeless Shelter. A facility either (1) operated, licensed or contracted by a government entity, or (2) operated by a charitable, non-profit organization, which, for no compensation provides temporary lodging, meals, and counseling to individuals and groups such as the homeless, pregnant teenagers, victims of domestic violence, neglected children, and runaways. Temporary lodging is typically less than thirty (30) days.

Home for the Aged. A use comprising building or buildings providing dwelling units for persons over a certain minimum age, where no domiciliary care, nursing care, or other assistance is provided.

Home Occupation/Home Based Business/Rural Home Occupation. An occupation for gain or support customarily conducted on the premises by a person or family residing therein. These uses are governed by the requirements of Sections 9-1, 9-2 and 9-3. Home occupations/Home Based Business/Rural Home Occupations are permitted uses as a matter of right in certain districts pursuant to the schedules of use under Section 5-1.1, only after review and approval by the Zoning Administrator. (See Sections 9-1, 9-2 and 9-3).

Hospice. A use, other than uses fitting the description of Nursing Homes or Group Homes for Persons with a Disability, in which domiciliary care is provided with support and supervisory personnel that provide room and board, personal care and rehabilitation services in a family environment for persons not meeting the definition of handicapped under the Fair Housing Act, 42 U.S.C. § 3601 et seq.

Hospital. Any institution receiving in-patients, or a public institution receiving out-patients, and authorized under Georgia law to render medical, surgical, and/or obstetrical care. The term "hospital" shall include a sanitarium for the treatment and care of senile psychotics or drug addicts, but shall not include office facilities for the private practice of medicine or dentistry.

Industrialized Building. Industrialized building describes certain manufactured buildings which are regulated by the Georgia Department of Community Affairs. Georgia law defines an Industrialized Building as "any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof." Industrialized buildings are constructed and regulated in accordance with the "Industrialized Buildings Act", Georgia Law 1982 (Official Code of Georgia Annotated, Title 8, Chapter 2, Article 2, Part 1). An industrialized building must meet all requirements of the District in which it is located. Industrialized buildings designed for residential uses are often referred to as "modular homes". For the purposes of enforcement of this ordinance, industrialized residential homes shall be subject to the same standards as site built homes.

Institutional-Residential Uses. Institutional-Residential Uses are uses that provided residential living space or dwelling units for persons in an institutional or group setting, and include Assistant Living Facilities; Group Homes for a person with a Disability; Group Home (Non-Disability); Homeless Shelter; Home for the Aged, Hospice; Nursing Home; Orphanage; Residential Rehabilitation/ Treatment Facility.

Junk Yard. Use of property for outdoor storage, keeping, abandonment, sale, or resale of junk including scrap metal, rags, paper or other scrap materials, used lumber, salvaged house wrecking, and structural steel materials and equipment, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof. For the purposes of enforcement of this ordinance, junk yard means anywhere three (3) or more vehicles not in running condition, or the parts thereof, or household appliances are stored in the open or in open buildings. Buffers are required for all junk yards. (See Section 9-9)

Kennel. Any location where boarding, caring for, and keeping of more than a total of three dogs or cats, or other small animals or combination thereof (except litters of animals of not more than six months of age) is

carried on for compensation, and also raising, breeding, caring for, or boarding of dogs, cats, or other small animals for commercial purposes. Whenever more than ten dogs, cats or other small animals, in any combination are kept on a single lot, it shall be deemed to be a commercial kennel regardless of whether or not the property owner derives compensation from keeping the animals.

Kennel, Non-Commercial. Any location where the boarding, caring for and keeping of more than three but not more than ten dogs or cats or other small animals or combination thereof (except litters of animals of not more than six months of age) is carried on, not for commercial purpose, but as a hobby such as the raising of show and hunting dogs.

Licensed Day Care Center. A day care center licensed by the State of Georgia and/or Cook County that provides care, training, education, custody, treatment or supervision for children under fourteen (14) years of age, where such children are not related by blood, marriage or adoption to an owner or operator of the facility.

Lot. A lot of record, held in a single ownership by one person, or in common ownership by more than one, which has both lot area and lot dimensions equal to or greater than the lot width and lot area requirements established by this ordinance for the zoning district in which such tract of land is located and for the use proposed for the tract of land. (See Section 3-21)

Lot, Corner. A lot having frontage on two (2) or more public streets at their intersection. (See Section 3-11)

Lot of Record. A lot which is part of a subdivision recorded in the office of the Clerk of the Superior Court of Cook County, or a parcel described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance. (See Section 3-21)

Lot, Through. A lot other than a corner lot, having frontage on more than one (1) intersecting street; or a corner lot having frontage on three (3) or more streets.

Lot Width. The distance between the side lot lines, measured along the front yard setback line as established by this ordinance, or if no setback line is established, the horizontal distance between the side lot lines measured along the street right-of-way line.

Minor. Any person under eighteen (18) years of age.

Newspaper or Periodical Production, Sales, and Distribution. The operation of newspaper or periodical business including the production, sales, and distribution thereof, including all necessary press work. Such term includes but is broader than newspaper or periodical publishing.

Newspaper or Periodical Publishing. This term is narrower in scope than newspaper or periodical production, sales and distribution. The term does not include press work, sales or distribution and is limited to the composition, layout and non-press work printing of a newspaper or periodical.

Night Club (Lounge). A place of entertainment open at night, usually serving food and alcoholic beverages and providing music and space for dancing.

Nursery School. An agency, organization, or individual providing daytime care of seven or more children, where a State license is required, not related by blood or marriage or not the legal wards or foster children of the attendant adult.

Nursing Home. A long term residential facility for elderly, or otherwise ill persons which may include some or all of the following: individual dwelling units, living and sleeping rooms, a common dining room, skilled nursing care, residential facilities, and transportation for social and medical purposes. Such facility does not

include an Assisted Living Facility, a Hospice, a Group Home for Persons with a Disability, or a Group Home, Non-Disability.

Open Space. That required portion of a lot at ground level, unoccupied by enclosed buildings and available to all occupants of the project. This space shall not be devoted to driveways or off-street parking but shall be usable for green space, recreational use and other leisure activities normally carried on outdoors.

Orphanage. A facility having the purpose of providing support and shelter to persons who have lost one or both of their parents. This definition does not include residential households serving as foster homes regulated by the Georgia Department of Human Resources.

Owner(s). If a sole proprietorship, the proprietor, if a partnership, all partners (general and limited); if a corporation, all officers, directors and persons holding at least ten percent (10%) of the outstanding shares.

Planning Advisory Commission. As utilized in this ordinance, the Planning Advisory Commission shall mean the Greater Cook Planning Advisory Commission as duly appointed by the member governments of Cook County, Georgia.

Principal Building. The building containing or to contain the principal use of a lot.

Principal Use. The principal purpose for which a lot or the main building thereon is designed, arranged, or intended, and for which it is or may be used, occupied, or maintained.

Public Street. Right-of-way dedicated to the city, county, state or federal government or owned by the city, county, state or federal government for public street purposes.

Residential. Pertaining to the use of land, means premises such as homes, town homes, patio homes, manufactured homes, duplexes, condominiums or apartment complexes or single room rental units, which contain habitable rooms for non-transient occupancy and which are designed primarily for living, sleeping, cooking, and eating therein.

Residential Rehabilitation/ Treatment Facility. A residential facility to provide rehabilitation, treatment, or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse, mental health, behavioral dysfunctions, emotional or psychological problems, or other similar facilities.

School. A facility where persons regularly assemble for the purpose of instruction or education including any playgrounds, stadiums, or other structures and grounds used in conjunction therewith. This shall include but not be limited to public and private schools used for primary, secondary, or post-secondary education.

Setback. The shortest distance between the centerline of a street and the principal building or structure on a lot.

Shopping Center. Two (2) or more commercial establishments planned and managed as a single unit with off-street parking and loading facilities provided on the property.

Special Exception. A special exception is a use which within certain districts specified by this ordinance is not permitted as a matter of right but may be permitted within these districts by the Cook County Commission after the Planning Advisory Commission and County Commission have: (1) reviewed the proposed site plans for the use, its location within the county, its arrangement and design, its relationship to neighboring property and other conditions peculiar to the particular proposal which would determine its desirability or undesirability; (2) has found the proposal not to be contrary to the intent of this ordinance; and (3) has approved the use as specified.

Street. A thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley. A PUBLIC STREET is a street accepted by dedication or otherwise by the governing body. A PRIVATE STREET is a street not so accepted.

Structure. Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, billboards, swimming pools, and fall-out shelters but does not include walls or fences.

Tourist Home (Bed and Breakfast). A dwelling in which sleeping accommodations are provided or offered to transient visitors for compensation.

Trailer, Travel Type. A vehicle or trailer designed to be used as a temporary dwelling for travel, recreation and vacation purposes.

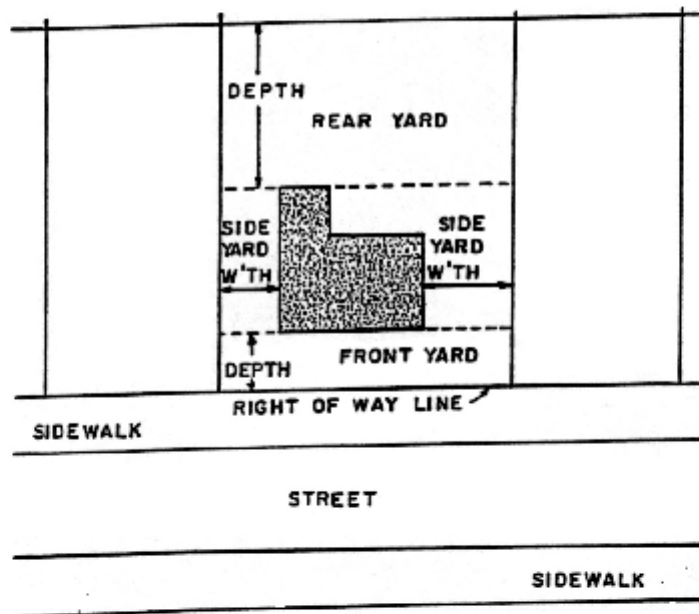
Variance. A variance is a relaxation of the dimensional and/or development standards of the zoning ordinance that will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the intentional actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship. (See Section 13-6.2)

Yard, Front. That area of a lot lying between the abutting street right-of-way line and the principal building of the lot and extending across the front of a lot from side lot line to side lot line. (See illustration, page 9)

Yard, Rear. That area of a lot extending across the rear of a lot from side lot line to side lot line and lying between the rear lot line and the principal building on the lot. (See illustration page 9)

Yard, Side. That area of a lot between the side lot line and the principal building on the lot extending from the front yard to the rear yard. (See illustration page 9)

FRONT, REAR, AND SIDE YARDS ON A LOT



SECTION 3

GENERAL PROVISIONS

3-1 Interpretation and Application. In interpreting and applying these regulations, the requirements contained herein are declared to be the minimum requirements necessary to carry out the purpose of these regulations. Except as hereinafter provided, these regulations shall not be deemed to interfere with, abrogate, annul, or otherwise affect in any manner whatsoever any easements, covenants, or otherwise agreements between parties. Whenever the provisions of these regulations impose greater restrictions upon the use of land or buildings, or upon the height of buildings, or require a larger percentage of a lot to be left unoccupied than the provisions of other ordinances, rules, regulations or permits, or any easements, covenants or other agreements between parties, then the provisions of these regulations shall govern.

3-2 Zoning Affects All Land and Buildings. No buildings, structures, or land shall be used or occupied; and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, enlarged, or structurally altered unless in conformity with the regulations of this ordinance.

3-3 Every Use Must be Upon a Lot. No building or structure may be erected or use established unless upon a lot as defined by this ordinance except as provided in Section 3-21.

3-4 Only One Principal Building Per Lot. Except as herein provided (see Section 9-4), there shall be no more than one (1) principal building or structure upon any lot in any residential district.

3-5 Open Space Not to be Encroached Upon. No open space shall be encroached upon or reduced in any manner except in conformity to the yard, setback, off-street parking space requirements, and such other regulations required by this ordinance for the district in which such building is located. Shrubbery, driveways, retaining walls, fences, curbs, and planted buffer strips shall be interpreted not to be encroachments of yards. (See Section 3-24)

3-6 Required Open Space May Not be Used by Another Building. No part of any yard, other open space, or off-street parking or loading space required in connection with any building, structure, or use by this ordinance shall be considered to be part of a required yard, or other open space, or off-street parking or loading space for any other building, structure, or use except as provided in Section 7-6.

3-7 Reduction of Yards or Lot Area. Except as provided in Section 3-21, no lot existing at the time of passage of this ordinance shall be reduced, divided, or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this ordinance for the district in which it is located unless said reduction or division is necessary to provide land that is needed and accepted for public use.

3-8 Encroachment on Public Rights-of-Way. No building, structure, nor any mandated buffer requirements, service area, or required off-street parking and loading facility, except driveways, shall be permitted to encroach on public rights-of-way.

3-9 Location of Accessory Buildings or Uses. Accessory buildings on lots in the RR, R-1, and R-1A zoning, when located within a front or side yard, shall be located no closer to property lines than would be allowed for a principal building. Within a rear yard, an accessory building on a residential lot shall be located at least five (5) feet from all rear property lines and eight (8) feet from all other property lines, except that in the case of corner lots, accessory buildings shall be set back from the centerline of an abutting street right-of-way a distance equal to three-fourths (3/4) the front yard setback established for the zoning district in which the accessory buildings are located. In the case of a through lot (see Section 3-11) accessory buildings shall conform to front yard setbacks on both streets. Accessory buildings or uses on non-residential lots shall comply with front, side, and rear yard requirements established for the zoning district in which such buildings or uses are located.

3-9.1 Accessory Building on Separate Lot: An accessory building may be permitted, as a Special Exception by the County Commission, on a separate lot from the lot of the principal building provided that: (a) the lot upon which the accessory building is to be located shall be within 400 feet of the principal use; and (b) all requirements, including use restrictions, established for the zoning district in which such accessory building is to be located shall be complied with; and (c) any structure or building erected shall meet the requirements of the Georgia State Building Code and shall be approved by the building inspector. In addition to the above requirements, the County Commission may require design features such as buffer strips, screening, etc., as may be found necessary to protect the purposes of this ordinance.

3-9.2 Separation from Principal Use: Any accessory building of more than eight (8) feet in height shall be located at least ten (10) feet from the principal building.

3-10 Every Lot Shall Abut a Street. No building shall be erected on a lot which does not abut an open public street (or an approved private street meeting current county development standards and duly approved by the County Commission). Every lot shall abut such street for a contiguous and uniform width as dictated by the respective zoning district. For the purpose of establishing lot abutment and minimum width to an approved street, easements, flag lots, and inconsistent widths are not acceptable in lieu of minimum lot frontage and abutment standards. These design standards shall not apply to lots abutting the radius of a cul-de-sac, where lot width shall be measured at the building setback line.

When an agricultural or residential lot is created that is larger than 50 acres, such lot is not required to abut a public or private road, however, the sub-divider shall at a minimum provide access to the newly created lot from a public road via an ingress/egress and utility easement running with the land at least 60 feet in width, which shall be shown on a survey prepared by a licensed surveyor. Such easement and survey shall be recorded in the office of the clerk of Superior Court of Cook County, Georgia at the time of the creation of such lot.

3-11 Lots With Multiple Frontage. In the case of a corner lot, side yard setback requirements from the centerline of the street right-of-way shall equal to seventy-five percent (75%) of that required for the front yard setback for the respective zoning district. On a corner lot where the main entrance into a residence is facing a side yard, it shall be permissible for purposes of this ordinance to interpret the residence to be fronting on the street other than that street which said entrance faces, and side and rear yard requirements may be provided accordingly. If a building is constructed on a through lot having frontage on two (2) or more roads not at an intersection, a setback from each road shall be provided equal to the front yard requirement for the district in which the lot is located.

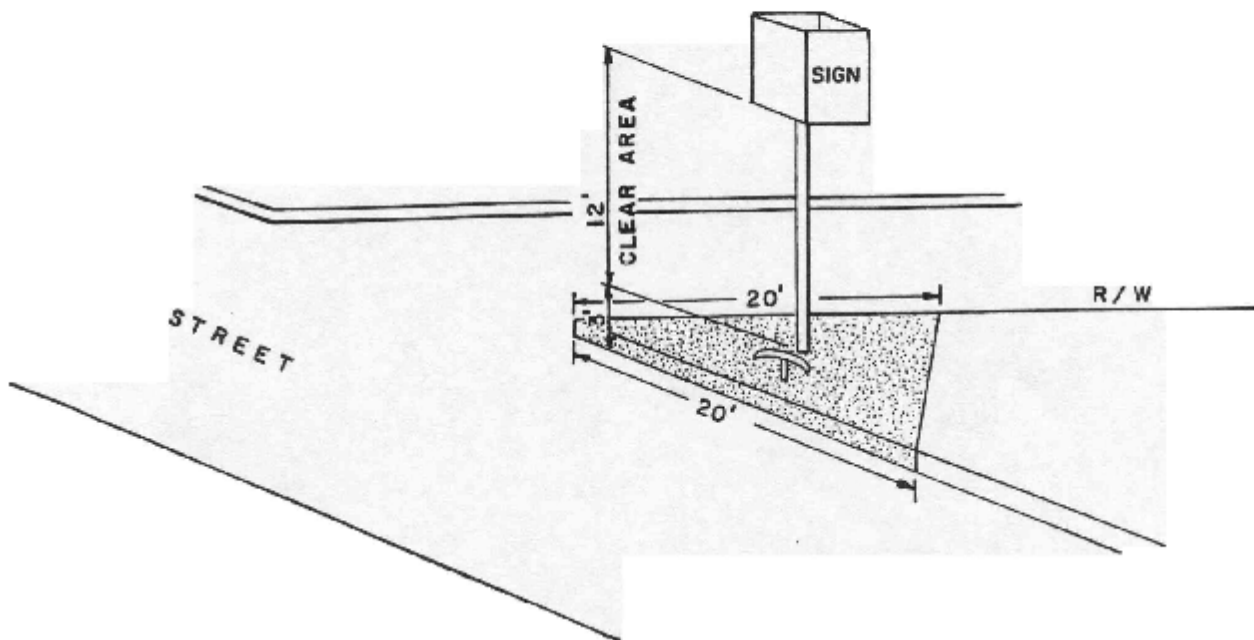
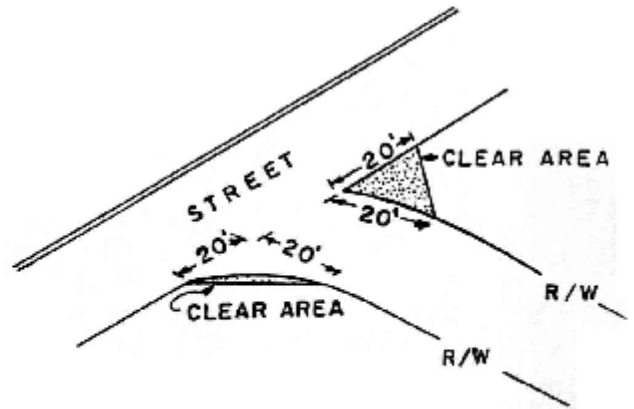
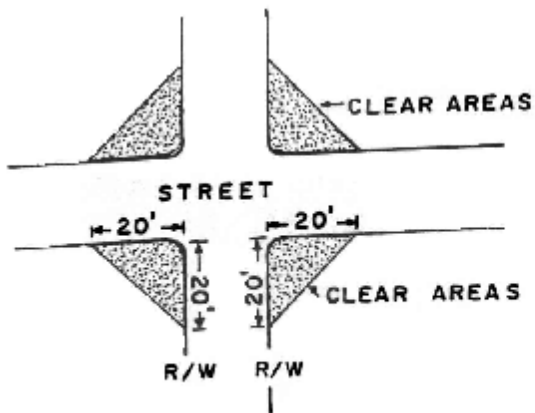
3-12 Visibility at Intersections. On corner lots within all zoning districts, no fence, shrubbery or other obstruction to the traffic sight vision, except utility poles or light or sign standards, shall exceed a height of three (3) feet within a triangular area formed by the intersection of the right-of-way lines of two (2) streets or a street intersection with a railroad right-of-way line, and a diagonal line which intersects the right-of-way lines at two (2) points, each twenty (20) feet distance from the intersection of the right-of-way lines, or, in the case of a rounded corner, from the point of intersection of their tangents; provided, however, signs, lights, or similar objects which are totally located at least twelve (12) feet above the finished grade shall be permitted. (See illustration page # 14)

3-13 Uses Prohibited. If either a use or class of use is not specifically indicated as being permitted in a district, either as a matter of right, or as a Special Exception, then such use, class of use, or structures for such uses, shall be prohibited in such district.

3-14 Reserved.

VISIBILITY AT INTERSECTIONS

see section 3-12



3-15 Zoning to Apply When Lot is Divided by District Boundary Line. In the event that a district boundary line on the zoning map divides a lot of record held in one (1) ownership on the date of passage of this ordinance, each part of the lot so divided shall be used in conformity with the regulations established by this ordinance for the district in which such parcel is located; except, however, that if the property owner of such a lot so desires, he may extend a use allowed on either portion of said lot fifty (50) feet beyond the district boundary line in accordance with setbacks and yard requirements of the district into which he is encroaching.

3-16 Height Limitations of Walls and Fences. Within any residential district, no wall or fence shall exceed eight (8) feet in height within or along a boundary of a rear or side yard. Within the front yard, all fences shall have a height limit of four (4) feet.

3-17 Required Buffers in RC, GB, WLI, and HI Districts. In a RC, GB, WLI, and HI zoning district, where a lot abuts any residential district, a six (6) foot wide buffer the entire length of the lot abutting the residential property shall be provided with screening as specified in Section 3-19. Off-street parking associated with such uses shall be governed by this same provision.

3-18 Screening of Service Areas In Non-Residential Areas Within One Hundred Fifty (150) Feet of Public Street. Any service area, loading area, refuse, or storage area between a principal building and a public street being visible from said street and lying within one hundred fifty (150) feet of said street shall be screened from view from the public street as specified in Section 3-19.

3-19 Screening Required. Wherever screening is required by this ordinance, a durable masonry wall, or fence and hedge of sufficient opacity to provide a visual blind, designed to be compatible with the character of adjoining properties, shall be provided and maintained by the owner and his successors and assigns. Such fences and walls shall be at least six (6) feet in height, but no greater than eight (8) feet in height, measured from the ground along the common lot line of the adjoining properties. Hedges or comparable natural plantings shall be of such variety that an average height of at least six (6) feet could be expected by normal growth within no later than three (3) years from the time of planting. The owner/developer shall install the required screening prior to the issuance of the certificate of occupancy. Occupancy will not be allowed until the screening is completed as a part of the normal developmental requirements.

3-20 Side and Rear Yards Not Required Next to Railroad. Within any non-residential district, side yards and rear yards shall not be required adjacent to railroad rights-of-way.

3-21 Substandard Lots of Record. Any lot of record existing at the time of the adoption of this ordinance which has an area or a width which is less than that required by this ordinance may be used as a building site for a structure or use permitted in that zone; provided, however, that the same yard, setback, open space, and other dimensional requirements are met that would be required for a standard lot, except as stipulated in Section 3-25.

3-22 Permitted Modification of Setback Requirement. When a building is proposed on a lot and when on either or both lots which adjoin such lot at the street right-of-way line there exists a principal building which does not conform to the setback requirements of this ordinance, the required setback for such building shall be as follows: (1) where only one said adjoining lot contains a principal building with a non-conforming setback the setback shall be the computed average of (a) the normal setback requirement with (b) the non-conforming setback, or (2) where both adjoining lots contain a principal building each with a non-conforming setback, the minimum setback shall be the computed average of the two non-conforming setbacks.

3-23 Structures Permitted Above the Height Limit. The height limits of these regulations shall not apply to a church spire, belfry, cupola, dome, or ornamental tower not intended for human occupancy, monument, water tower, observation tower, transmission tower, chimney, smoke stack, conveyor, flag pole, radio or television tower, mast or aerial, parapet wall not extending more than four (4) feet above the roof line of the building, and necessary mechanical appurtenances. (See Section 3-26)

3-24 Permitted Encroachments of Yards and Setbacks. Architectural features such as cornices, eaves, steps, gutters, and fire escapes may project not more than three (3) feet beyond any required setback line, except where such projections would obstruct driveways which are or may be used for access for service and/or emergency vehicles; provided, however, that in the case of automobile service stations, motels, and similar uses which serve the motoring public, canopies shall be allowed over a driveway or walkways within the front yard not to extend from the principal building to a point any closer than fifteen (15) feet from the street right-of-way line.

3-25 Modification of Sideyard Requirements. When a lot of record has a width less than the frontage required in the district in which it is located, then the Zoning Administrator shall be authorized to reduce the side yard requirements for such lot; provided, however, that there shall not be less than an eight (8) foot side yard.

3-26 Variances to Height Requirements. Chimneys, water, fire, radio and television towers, church spires, domes, cupolas, stage towers, and scenery lofts, cooling towers, elevator bulkheads, smokestacks, flag poles, parapet walls, silos, granaries, windmills, and similar structures and their necessary mechanical appurtenances may be erected above the height limits herein established after a proper variance has been obtained from the Zoning Board of Appeals. Any such approval of a greater height shall be in accord with the flight approach zone maps on file with the Zoning Administrator of the City of Adel, Georgia. All such height variances shall also be closely coordinated with the Adel/Cook County Airport Authority and the Federal Aviation Administration.

3-27 Prohibited Uses in All Residential Districts.

- a) It shall be prohibited use in all residentially zoned districts and residential lots to park or store in the open, wrecked or junked vehicles, power driven construction equipment, used lumber, metal or rubbish, or any other miscellaneous scrap or salvageable material in quantity.
- b) Tractor-trailer combinations, tractors or trailers shall not be placed or stored in residentially zoned districts.
- c) Commercial Kennels.
- d) Wrecked or junked vehicles in "open" buildings.

3-28 Recreational Vehicles. Recreational vehicles and travel-type trailers shall not be utilized as a temporary or permanent dwelling in any zoning district, except that travel-type trailers are allowed as a matter of right on agriculturally zoned lots, provided that they are not to be leased or rented, and no person or persons shall reside in the trailer for more than 14 consecutive days or for more than a total of 60 days in one year.

Recreational vehicles and travel trailers shall also be allowed as temporary housing, for up to six months, during the construction of a residential dwelling, provided the vehicle or trailer receives a placement permit and is connected to approved utilities(i.e. septic or sewer system, water, and electrical).

3-29 Mobile Homes. No mobile homes, defined as units constructed prior to June 15, 1976 shall be allowed within the unincorporated area of Cook County. Only manufactured homes not greater than fifteen years old and constructed to the Federal Manufactured Home Construction and Safety Standards governed by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, 42 U.S.C. 5401, et seq. shall be permitted to be installed or relocated within unincorporated Cook County.

- 3-30 Recreational Building/ Cabin.** Recreational Buildings/ Cabins are allowed for recreational purposes in an A-U, Agricultural district on lots that are larger than 10 acres.
- 3-31 Building Codes.** The International Building Code; International Fuel Gas Code; International Mechanical Code; International Plumbing Code; National Electric Code; International Fire Code; International Energy Conservation Code; International Residential Code; International Property Maintenance Code; and International Existing Building Code shall be enforced in the unincorporated portion of Cook County, Georgia. Whenever a provision of these codes conflicts with a Cook County ordinance or regulation then the standard code provision shall control, unless the County ordinance or regulation contains an express statement that it supersedes the standard code requirement.

SECTION 4

ZONING DISTRICTS

4-1 Establishment of Districts. In order that the purposes of this ordinance as defined in Section 1 may be accomplished, there are hereby established within Cook County, Georgia, zoning districts identified as follows:

- 4-1.1 A-U Agricultural Use:** The requirements of the district are designed to encourage the maintenance of a rural character, and should be utilized as a land use designation until such time as a more intensive use of the land is both economically feasible and in the best interest of the County. The minimum lot size shall be 2.5 acres.
- 4-1.2 R-R Rural Residential:** The purpose of this district shall be to allow for residential development on lots of less than five acres, *with a one acre minimum allowed*, in appropriate areas designated in the Comprehensive Plan in unincorporated Cook County. With Health Department approval, such districts may use individual water supply and sewerage disposal systems. Minimum gross floor area per dwelling unit in this district shall be a minimum of 800 square feet.
- 4-1.3 R-1 Single Family Residential:** The purpose of this district is to provide single family residential areas with minimum lot sizes of one acre (43,560 square feet), said areas being protected from the depreciating effects of small lot development and excessive density and from the encroachment of these uses which are incompatible to a desirable residential environment. With Health Department approval, such districts may use individual water supply and sewerage disposal systems. Minimum gross floor area per dwelling unit in this district shall be a minimum of 1,500 square feet.
- 4-1.4 R-1A Single Family Residential:** The purpose of this district is to provide single family residential areas with minimum lot sizes of one acre (43,560 square feet), said areas being protected from the depreciating effects of small lot development and excessive density and from the encroachment of these uses which are incompatible to a desirable residential environment. With Health Department approval, such districts may use individual water supply and sewerage disposal systems. Minimum gross floor area per dwelling unit in this district shall be a minimum of 1,200 square feet.
- 4-1.5 M-H-P Manufactured Housing Park:** The purpose of this district is to provide for the development of property that is suitably located and planned for manufactured housing park use. Property developed in this district is to remain in single ownership for rental or leasing purposes only. Manufactured housing parks shall be developed only in strict accordance with the Manufacturing Housing Park provisions of this ordinance.
- 4-1.6 R-C Rural Commercial:** The purpose of this district is to provide for and protect areas that can accommodate a variety of sales and services that are commonly needed by the rural community.
- 4-1.7 G-B General Business:** The purpose of this district shall be to provide for and encourage the proper grouping and development of uses which include a wide variety of sales and services that will best accommodate the needs of the county and the traveling public in order to reduce highway traffic congestion, traffic hazards, and blight along the public streets and highways of the county.
- 4-1.8 WLI Wholesale-Light Industrial:** The purpose of this district shall be to provide and protect areas for those wholesale and light industrial uses which do not create excessive noise, odor,

smoke, dust, and which do not possess other objectionable characteristics which might be detrimental to surrounding neighborhoods, or to the other uses permitted in the district.

4-1.9 H-I Heavy Industrial: The purpose of this district shall be to provide and protect areas for those industrial uses which cannot comply with the regulations of the WLI District.

4-2 Zoning Map and Major Thoroughfare Plan. The boundaries of each district are shown on maps entitled "Official Zoning Maps of Cook County, Georgia". The classification of streets (local and collector streets and arterials) within Cook County, Georgia are shown on a map entitled "Major Thoroughfare Plan, Cook County, Georgia". The Official Zoning Maps and Major Thoroughfare Plan shall be dated and certified by the Chairman of the County Commission and County Clerk, and said maps and all explanatory matter thereon accompanies and is hereby made a part of this ordinance.

Accurate copies of the "Official Zoning Maps of Cook County, Georgia, and the "Major Thoroughfare Plan, Cook County, Georgia", shall be on file in the office of the Zoning Administrator at all times. Said maps shall accurately show all map amendments made in accordance with the provisions of this ordinance. It shall be the duty of the Zoning Administrator to insure that the "Official Zoning Maps of Cook County, Georgia" and the "Major Thoroughfare Plan, Cook County, Georgia", displayed in his office are kept up-to-date and accurately show all amendments.

4-3 Interpretation of Zoning District Boundaries: When uncertainty exists with respect to the location of boundaries of any zoning district as shown on the "Official Zoning Maps of Cook County", the following rules shall apply:

- 4-3.1** Unless otherwise specifically indicated, where district boundaries are indicated on the zoning map as approximately following the centerline of a street right-of-way, highway, railroad right-of-way line, stream bed, or river bed; such centerlines shall be interpreted to be such district boundaries.
- 4-3.2** Boundaries indicated as approximately following platted lot lines shall be interpreted as following such lot lines.
- 4-3.3** Where district boundaries are indicated on the zoning map as approximately following the corporate limit lines, then such corporate limit lines shall be interpreted to be such district boundaries.
- 4-3.4** Where district boundaries are indicated on the zoning map as being set back from the centerline of a street right-of-way, road, highway, railroad, stream, or river, and parallel thereto, then such district boundaries, unless otherwise specifically indicated, shall be interpreted as being at the scaled distance from the centerline of such street, road, highway, railroad, stream, or river as being parallel thereto.

SECTION 5**SCHEDULE OF PERMITTED USES**

5-1 Table of Permitted Uses. Within the various zoning districts as indicated on the "Official Zoning Maps of Cook County", no building, structure, or land shall be constructed, erected, altered, or used except as indicated in the following schedules:

- 5-1.1 Uses Permitted by Right:** Uses permitted as a matter of right are indicated on the following schedule by the letter "X" in the appropriate column.
- 5-1.2 Special Exception:** Uses permitted only after special review and approval of the County Commission are indicated on the following schedule by the letters "SE" in the appropriate column. Requests to approve a Use by Special Exception shall be advertised, reviewed and processed in the same manner as an amendment to the Official Zoning Maps as described in Section 14 - Amendment.
- 5-1.3 Uses Not Allowed:** Uses not specifically designated by an "X" or "SE" within the appropriate column are not allowed within the district.
- 5-1.4 Conflict of Use Interpretation:** In the event of a discrepancy between the various provisions of this ordinance as relates to a particular use of land being allowed in a particular zoning district, Section 5, Schedule of Permitted Uses, shall govern.

<p>ROOMING HOUSE</p> <p>3. BOARDING OR</p>									
<p>4. CHURCH OR OTHER PLACE OF WORSHIP, including Sunday School buildings, parish houses, convents, nursery school, kindergartens (subject to developmental standards listed in use item # 19) and other related uses on the same premises and operated by the church provided that within R-R, R-1, R1A, and MHP zones:</p> <p>a) the lot size shall be no less than two (2) acres or the minimum lot size of the district, which ever is larger (two and a half (2.5) acres required in A-U zoning district);</p>									
<p>5. DWELLING, SINGLE FAMILY</p>									
<p>6. DWELLING, TWO FAMILY (DUPLEX)</p>									
<p>7. GARDEN, PRIVATE</p>									
<p>8. RESERVED</p>									
<p>9. GROUP HOMES FOR PERSONS WITH DISABILITIES</p> <p>A) only for six or fewer residents (Not including residential staff)</p>									
<p>10. GARAGE APARTMENT, provided no more than one shall be permitted on a lot with the principal dwelling, and provided such shall be permitted only within the rear yard.</p>									
<p>11. INSTITUTIONAL-RESIDENTIAL USES</p> <p>A) Minimum lot size of 3 acres; B) Must be buffered/ screened according to Section 3-19.</p>									

<p>12. GUEST QUARTERS OR SERVANT QUARTERS, provided no more than one shall be permitted on a lot with the principal building and provided such shall be permitted only within the rear yard. Within R-R, R1, and R1A zones, the lot on which such use is to be established must be fifty percent (50%) greater in lot area than the minimum standard lot size for the respective district.</p>									
<p>13. HOME OCCUPATION (See Section 9-1)</p> <p>a) Must comply with Section 9-1 and be approved by the Zoning Administrator.</p>									
<p>14. HOME BASED BUSINESS (See Section 9-2)</p> <p>a) Must comply with Section 9-2 and be approved by the Zoning Administrator.</p>									
<p>15. MANUFACTURED HOME, individually sited, provided that:</p> <p>a) The manufactured home shall meet the same minimum square footage, setback and yard requirements as any other single family dwelling, and</p> <p>b) must be installed and anchored as per Georgia State minimum requirements, properly underpinned or skirted within 45 days with material comparable to the proposed manufactured home.</p>									
<p>16. MANUFACTURED HOUSING PARK, provided that:</p> <p>a) Access to manufactured housing parks shall be by paved street and directly abut an arterial or collector street as designated on the Major Thoroughfare Plan, Cook County, Georgia, and,</p> <p>b) the manufactured housing park meets the requirements of Section 9-4 of this ordinance</p>									

<p>17. PUBLIC OWNED RECREATION CENTERS, Y.M.C.A. AND INSTITUTIONS OF A SIMILAR NATURE</p>									
<p>18. SCHOOLS, PUBLIC OR PRIVATE - Elementary through high school.</p>									
<p>19. SCHOOLS - KINDERGARTENS, NURSERIES, AND DAY CARE CENTERS, provided that:</p> <ul style="list-style-type: none"> a) Off-street loading and unloading spaces are supplied; and b) at least one-hundred (100) square feet of outdoor play area is supplied for each child accommodated; and, c) the entire play area is enclosed by a steel mesh security fence with lockable gates approved by the Building Official or other substantial building material affording equal or better protection having a minimum height of at least four (4) feet and constructed in such a manner that maximum safety to the children is ensured. d) Lot must front collector or arterial street as specified on the Major Thoroughfare Plan. 									
<p>20. RESERVED</p>									
<p>21. TOURIST HOMES (Bed and Breakfast Inn)</p>									

BUSINESS USES

<p>22. ADULT ENTERTAINMENT ESTABLISHMENTS/ SEXUALLY ORIENTED BUSINESSES</p> <p>Provided: These establishments are in accordance with the provisions/ requirements found in the Adult Entertainment Ordinance of Cook County.</p>									
<p>23. AMUSEMENT OR RECREATIONAL ACTIVITIES (COMMERCIAL), carried on outside a building such as a golf or baseball driving range, miniature golf course, softball field, and uses of a similar nature.</p>									
<p>24. AMUSEMENT OR RECREATIONAL ACTIVITIES (COMMERCIAL), carried on outside a building which produces noise and/or noxious fumes, such as drag racing strips, race tracks, motorcycle races or ATV (all terrain vehicle) courses, and uses of a similar nature.</p>									
<p>25. AMUSEMENT OR RECREATIONAL ACTIVITIES (COMMERCIAL), carried on wholly within a building, such a cinema, theater, auditorium, and uses of a similar nature.</p>									
<p>26. ANIMAL HOSPITAL, COMMERCIAL KENNELS, VETERINARY CLINIC OR ANIMAL BOARDING PLACE, Minimum 5 acres lot size, located at least 300 feet from the nearest residential district, buildings and/ or fencing used to house the animals must be at least 75 feet from all property lines, odor and pest control for the facility must be maintained, all animal housing drains must be connected an approved sanitary facility.</p>									
<p>27. RESERVED</p>									
<p>28. ART STUDIO</p>									

<p>29. AUTOMOBILE SERVICE STATION, provided that major auto repair shall not be permitted, nor shall there be outside storage of materials or equipment other than merchandise offered for sale in a R-C or G-B district.</p>									
<p>30. AUTOMOBILE, TRUCK, FARM EQUIPMENT, OR MOTORCYCLE SALES, REPAIR, OR UPHOLSTERY, AUTO WASHERTERIA, PAINT SHOPS, OR TIRE RECAPPING, (including rebuilding of parts or sales of parts and equipment indoors only, no outside storage of equipment or parts except for WLI and H-I districts).</p>									
<p>31. AUTOMOBILE PARKING LOT OR PARKING GARAGE (Commercial)</p>									
<p>32. BAIT AND TACKLE STORE; in AU, only when associated with resource oriented amusement or recreational activity.</p>									
<p>33. BANKS, FINANCIAL INSTITUTIONS, AND OFFICES not specifically listed elsewhere in this column.</p>									
<p>34. BOOKBINDING, PRINTING, ENGRAVING, BLUEPRINTING, PHOTOSTATING, OR LETTER SHOP</p>									
<p>35. BUILDING CONTRACTOR AND RELATED ACTIVITIES AND STORAGE OF BUILDING SUPPLIES AND MATERIALS, provided that equipment and materials temporarily stored or displayed outside shall be completely enclosed by a suitable fence. No sawmill or planing mill operations shall take place on the premises within any district other than the H-I district.</p>									
<p>36. BUSINESS SCHOOLS (PRIVATE)</p>									
<p>36a. CATERING SERVICE</p>									

<p>60. HOME FURNISHINGS AND HARDWARE, such as appliance sales, hardware stores, paint stores, sporting goods stores, furniture stores, and stores of a similar nature.</p>									
<p>61. HOSPITALS provided that:</p> <ul style="list-style-type: none"> a) The lot size shall be no less than three (3) acres within any district where allowed; and, b) any building or structure established with any such use shall have minimum side and rear yard of fifty (50) feet; and, c) the setback shall be twenty-five (25) feet more than required for other structures within the same district; and, d) the lot upon which any hospital is built shall front on an arterial or collector street as specified on the Major Thoroughfare Plan 									
<p>62. HOTELS</p>									
<p>63. LABORATORY SERVING PROFESSIONAL REQUIREMENTS - MEDICAL, DENTAL</p>									
<p>64. LAUNDROMAT OR WASHHERTERIA</p>									
<p>65. LOCKSMITH, GUNSMITH - Repairs and sales only.</p>									
<p>66. MEDICAL, DENTAL, OR SIMILAR CLINIC</p>									
<p>67. MOTELS</p>									

68. MUSIC TEACHING STUDIO									
<p>69. NEIGHBORHOOD DRYCLEANING PLANTS, LAUNDRY PICK-UP STATIONS:</p> <ul style="list-style-type: none"> a) The drycleaning plant and its operation shall meet the requirements of the National Fire Protection Association (NFPA) and the Underwriters Laboratories, Inc.; and, b) the drycleaning plant shall serve not more than one pick-up and delivery station exclusive of one occupying the same premises as the plant; and, c) the building for a drycleaning plant shall not contain more than 4,000 square feet of floor area inclusive of drycleaning pick-up facilities within the building; and, d) the drycleaning plant shall be designed to operate in a manner that will not emit smoke, or odor, or objectionable waste materials and which will not produce noise that will carry beyond the walls of the building occupied by such plant; and, e) fuel for operation of equipment shall be smokeless fuel; and, f) the applicant for the drycleaning plant shall certify in writing at the time of application that all the above conditions will be met. 									
70. NEWSPAPER OR PERIODICAL PRODUCTION, SALES AND DISTRIBUTION									
71. NEWSPAPER OR PERIODICAL PUBLISHING									
72. NIGHTCLUB OR LOUNGE, provided lot must front arterial street.									

<p>94. TRADE SCHOOLS</p>									
<p>95. TRAVEL TRAILER PARK, provided that:</p> <ul style="list-style-type: none"> a) No travel trailer nor R/V park shall be located except with direct access to a principal or minor arterial with a minimum lot width of not less than fifty (50) feet for that portion used for entrance and exit. No entrances or exits shall be through a residential district, or shall require movement of traffic from the park through a residential district. b) The minimum lot area required for a travel trailer park shall be three (3) acres. c) Spaces in a travel trailer park may be used by travel trailers provided they shall be rented by the day or week only, and an occupant of such space shall remain in the trailer park for a period of not more than thirty (30) days. d) Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to operation of a trailer park are permitted as accessory uses in any district in which travel trailer parks are allowed provided such establishments and the parking area primarily related to their operations shall not occupy more than ten (10) percent of the area of the park e) No space shall be located so that any part intended for occupancy for sleeping purposes shall be within twenty (20) feet of the exterior property lines. f) In addition to meeting the above requirements, the travel trailer park site plan shall be accompanied by a certificate of approval from the Cook County Health Department. 									
<p>96. UTILITY TRAILER RENTALS AND RENT-ALLS</p>									

<p>97. VENDING MACHINES, located out-of-doors subject to yard and setback requirements for the respective districts (as an accessory use only).</p>									
MANUFACTURING, WHOLESALE & INDUSTRY									
<p>98. ACID STORAGE AND DISTRIBUTION</p>									
<p>99. FEED, GRAIN, OR FERTILIZER WHOLESALING AND STORAGE</p>									
<p>100. FREEZER LOCKER SERVICE, ICE STORAGE</p>									
<p>101. GREENHOUSE AND PLANT NURSERY (COMMERCIAL) Heavy equipment allowed only in AU, WLI, and H-I districts. In RC district must be wholly contained within a building.</p>									
<p>102. HEAVY MANUFACTURING. The like which produce noise, odor, dust, fumes, fire hazards or other nuisance features shall be setback not less than five hundred (500) feet from any H-I district boundary.</p> <ul style="list-style-type: none"> a) Asphalt or concrete plant b) Battery manufacturing c) Bone distillation d) Corrosive acids manufacture e) Drop forge industry 									

- f) Fat or oil manufacture (including fat rendering)
- g) Fertilizer manufacture
- h) Grain mill product manufacture
- i) Leather tanning manufacture
- j) Linoleum manufacture
- k) Luggage manufacture
- l) Lumber manufacture (Lumber saw mill and storage)
- m) Meat processing plant
- n) Metal product manufacturing
- o) Organic materials reduction
- p) Petroleum refining and related industry
- q) Pulp or paper mill
- r) Rubber or plastic product manufacture

<p>s) Stone, clay, or glass manufacture</p> <p>t) Transportation equipment manufacture</p>									
<p>103. JUNK YARD OR AUTO GRAVEYARD, provided that:</p> <p>a) Minimum lot size of five (5) acres is required; and</p> <p>b) front yard setback increased fifty (50) feet over requirements for other uses in WLI and H-I zones; and</p> <p>c) must be set back five hundred (500) feet from any district boundary.</p> <p>d) the entire junk yard or auto grave yard shall be screened as required in Section 3-19;</p>									
<p>104. LIGHT MANUFACTURING:</p> <p>a) Appliance and electronic device assembly plant including the manufacturing of parts for appliances and electronic devices; and</p>									

PETROLEUM STORAGE (Wholesale storage and wholesale distribution)									
RESERVED									
RAILROAD CLASSIFICATION AND REPAIR YARD									
SALE OF LIVESTOCK (Commercial Sales and/or Auction facility)									
SANITARY LANDFILL OR INCINERATION									
TRUCK TERMINAL									
WAREHOUSING (not related to sales on the premises)									
WAREHOUSING (MINI STORAGE FACILITY) Storage of personal property - must be wholly contained within a building.									
WHOLESALE OF A LIGHT COMMERCIAL NATURE operated in conjunction with or as part of a retail outlet.									
WHOLESALE (not covered in other parts of this list)									

AGRICULTURAL AND RELATED USES

20. AMUSEMENT OR RECREATIONAL ACTIVITIES (Resource Oriented), such as parks; marinas, bird sanctuaries; botanical gardens; archery ranges and commercial fishing ponds.									
AMUSEMENT OR RECREATIONAL ACTIVITIES. Hunting and shooting preserves and clubs and paintball fields.									

<p>RIDING OR BOARDING STABLES (COMMERCIAL)</p> <p>a) shall only be permitted on a lot containing not less than two and a half acres;</p> <p>All buildings used to house the animals shall be set back not less than 150 feet from any property line;</p> <p>All animals shall be maintained at least fifty (50) feet from any property line; and</p> <p>There shall be not less than 30,000 square feet of fenced lot area not covered by the principal structure for each animal.</p>									
<p>RODEO OR HORSE SHOW</p>									
<p>RURAL HOME OCCUPATION</p> <p>a) Must comply with Section 9-3 and be approved by the Planning Administrator.</p>									
<p>WORM FARM</p>									
<p>VEGETABLE PACKING & SORTING FACILITY (COMMERCIAL)</p>									
<p>VINEYARDS</p>									
MISCELLANEOUS									
<p>ARMORIES, for meetings and training organizations.</p>									
<p>CARNIVAL OR ATHLETIC EVENT, COMMUNITY FAIR OR OTHER EVENT OF INTEREST TO THE PUBLIC, not to exceed thirty (30) days.</p>									

SECTION 6

SETBACK AND YARD REQUIREMENTS BY DISTRICT

6-1 Development Standards. Within the various zoning districts as indicated on the "Official Zoning Maps of Cook County, Georgia", no building or structure, excluding all signs, shall be constructed or erected except as indicated in the following schedule:

DEVELOPMENT STANDARDS	ZONING DISTRICTS				
	A-U	R-R	R1	R1A	MHP
Minimum Gross Floor Area Per Dwelling Unit (Sq.Ft.)	800	800	1,500	1,200	600
Minimum Lot Area	2.5 Ac.	1 Ac.	1 Ac.	1 Ac.	Gross min. Lot size of ten (10) acres; (See Section 9.4 for individual units.)
Minimum Lot Width ¹ (Feet) at road frontage	200	150	150	150	300
Minimum Front Yard Setback from the Centerline of R/W (Feet)					
Principal & Minor Arterials	90*	90*	90*	90*	90*
Collector Streets	80*	80*	80*	80*	80*
Local Streets	70*	70*	70*	70*	Not Allowed
Minimum Side Yards (Feet)	20	20	20	10	20
Minimum Rear Yards (Feet)	40	40	40	30	20
Maximum Building Height (Feet)	35	35	35	35	35

* Plus one-half any amount which the right-of-way width exceeds sixty (60) feet for Local Streets, eighty (80) feet for Collector Streets, and one hundred (100) feet for Arterials.

¹ For the purpose of administration of the required lot widths as depicted above, the required lot width shall be measured at the building setback line as dictated by this ordinance. (See Section 3-10).

DEVELOPMENT STANDARDS	ZONING DISTRICT				
	R-C	G-B	W-L-I	H-I	
Minimum Lot Area	1 Ac.	1 Ac.	1 Ac.	1 Ac.	
Minimum Lot Width (Feet)	210	210	210	210	
Minimum Front Yard Setback from the Centerline of R/W (Feet)					
Principal & Minor Arterials	90**	90**	90**	90**	
Collector Streets	80**	80**	80**	80**	
Local Streets	70**	70**	70**	70**	
Minimum Side Yards (Feet)	* None***	* None***	* None***	* None***	
Minimum Rear Yards (Feet)	* 12***	* 12***	* 12***	* None***	
Maximum Building Height (Feet)	35*	35*	None*	None*	

* The minimum distance from all other property lines to any building over thirty-five (35) feet in height shall be increased one (1) foot for every two (2) feet (or part of two (2) feet) of building height greater than thirty-five (35) feet.

** Plus one-half any amount which the right-of-way width exceeds sixty (60) feet for Local Streets, eighty (80) feet for Collector Streets, and one hundred (100) feet for Principal and Minor Arterials.

*** If the adjoining yard is within any residential district, the yard requirements specified in this table shall be increased one (1) foot and screening shall be provided as specified in Section 3-19 along the lot line common with said lot.

SECTION 7

OFF-STREET PARKING AND SERVICE REQUIREMENTS

7-1 Scope of Provisions. Except as provided in this section, no application for a building permit shall be approved unless there is included with the plan for such building, improvements, or use, a *site* plan showing the required space reserved for off-street parking and service purposes. Occupancy shall not be allowed unless the required off-street parking and service facilities have been provided in accordance with those shown on the approved plan.

7-2 Parking Spaces May Not be Reduced. Off-street parking spaces shall not be reduced below the minimum required number for the use or facility to which they are assigned.

7-3 Drainage, Construction, and Maintenance. All off-street parking, loading, and service areas shall be drained so as to prevent damage to abutting properties and/or public streets and shall be constructed of materials which will assure a surface resistant to erosion. All such areas shall be at all times maintained at the expense of the owners thereof in a clean, orderly, and dust-free condition.

7-4 Separation from Walkways, Sidewalks, and Streets. All off-street parking, loading, and service areas shall be separated from walkways, sidewalks, and streets by curbing or other suitable protective device.

7-5 Parking Area Design. Parking stalls shall have a minimum width of nine (9) feet and length of twenty (20) feet. There shall be provided adequate interior driveways to connect each parking space with a public right-of-way. Interior driveways shall be at least twenty-four (24) feet wide where used with ninety (90) degree angle parking, at least eighteen (18) feet wide where used with sixty (60) degree angle parking, at least twelve (12) feet wide where used with forty-five (45) degree parking, and at least twelve (12) feet wide where used with parallel parking. Where there is no parking, interior driveways shall be at least ten (10) feet wide for one-way traffic movement and at least twenty (20) feet wide for two-way traffic movement.

7-6 Joint Parking Facilities. Two (2) or more neighboring uses, of the same or different types, may provide joint facilities, provided that the number of off-street parking spaces are not less than the sum of the individual requirements.

7-7 Pavement Markings and Signs. Each off-street parking space shall be clearly marked, and pavement directional arrows or signs shall be provided wherever necessary. Markers, directional arrows, and signs shall be properly maintained so as to ensure their maximum efficiency.

7-8 Number of Parking Spaces. In order to assure a proper and uniform development of public parking areas throughout the area of jurisdiction of this ordinance, to relieve traffic congestion on the streets, and to minimize any detrimental effects on adjacent properties, off-street parking space shall be provided and maintained as called for in the following schedule. For any use or class of use not specifically mentioned in this schedule, the requirements shall be the same as a similar use as mentioned herein. Parking requirements for additions to existing uses or structures shall be based upon the total development even if the existing use is deficient. These regulations shall apply to all zoning districts.

USE	PARKING SPACES
7-8.1 Reserved	Reserved
7-8.2 Auditorium, stadium, assembly hall, gymnasium, theater, community recreation center, church	(a) One (1) space per four (4) fixed seats in the largest assembly room or area, or (b) one (1) space for each forty (40) square feet of floor area available for the accommodation of moveable seats in the largest assembly room or combination of fixed and moveable seats, or one (1) space per each one-hundred fifty (150) square feet of gross floor area, whichever is greatest.
7-8.3 Automobile fueling station	One (1) space (in addition to service area) for each pump and grease rack and one (1) space for each one (1) employee during period of greatest employment, but not less than six (6) spaces.
7-8.4 Automobile sales and repair, service stations and auto washerterias	Same as 7-8.3 above plus one (1) space for each five-hundred (500) square feet of gross floor area of the shop or washerteria.
7-8.5 Bowling alley	Four (4) spaces per alley plus requirements for any other use associated with the establishment such as a restaurant, etc.
7-8.6 Club or lodge	One (1) space for each two (2) employees plus one (1) space for each two-hundred (200) square feet of gross floor area within the main assembly area plus additional spaces for other uses permitted within the premises.
7-8.7 Combined Uses	Parking spaces shall be the total of the spaces required for each separate use established by this schedule.
7-8.8 Dance school	One (1) space for each employee plus one (1) space per one-hundred fifty (150) square feet of gross floor area plus safe and convenient loading and unloading of students.
7-8.9 Institutional-Residential Uses	One (1) space for each employee on shift of greatest employment plus one (1) space for each (1) bed, plus any accessory uses.
7-8.10 Fraternity or sorority or college dormitories	One (1) parking space for each two (2) residents and one (1) space for each two (2) employees.
7-8.11 Golf course	Two (2) spaces for each hole and one (1) space for each two (2) employees plus requirements for any other use associated with the golf course.
7-8.12 High schools, trade schools, colleges, and universities	One (1) space for each teacher, employee, and administrative personnel plus safe and convenient loading of students plus five (5) spaces for each classroom.
7-8.13 Hospital	One (1) space for each bed, plus one (1) space for each employee on shift of greatest employment.

USE	PARKING SPACES
7-8.14 Hotel	One (1) space for each guest room, suites, or units plus any spaces required for accessory uses.
7-8.15 Indoor and outdoor recreational areas (commercial), YMCA and similar uses	(a) One (1) space for each one-hundred fifty (150) square feet of gross floor, building, ground area, or combination devoted to such use; or (b) one (1) space per each four (4) seats or facilities available for patron use; whichever is greatest.
7-8.16 Industrial or manufacturing establishment or warehouse	Two (2) spaces for each three (3) employees on shift of greatest employment, plus one (1) space for each vehicle used directly in the conduct of the business.
7-8.17 Kindergarten and nursery schools	One (1) space for each employee, plus safe and convenient loading of students.
7-8.18 Manufactured Housing Park	Two (2) spaces for each manufactured home space.
7-8.19 Motel	One (1) space for each unit plus one (1) space for each two (2) employees, plus any spaces required for accessory uses.
7-8.20 Office, professional building or similar use	One (1) space for each three-hundred (300) square feet of the gross floor area, plus one (1) space for each two (2) employees.
7-8.21 One and two family dwellings	Two (2) spaces per each unit (residential driveways will satisfy this need).
7-8.22 Personal service establishment	One (1) space for each two hundred (200) square feet of gross floor area.
7-8.23 Restaurant or place dispensing food, drink, or refreshments	One (1) space for each two (2) seats plus one (1) space for each two (2) employees on shift of greatest employment.
7-8.24 Schools, elementary	One (1) space for each teacher, one (1) space for each two (2) employees and administrative personnel, and one (1) space for each classroom, plus safe and convenient loading and unloading of students.
7-8.25 Swimming pool (Commercial)	One (1) space for every two hundred (200) square feet of water surface area plus requirements for additional uses in association with the establishment such as a restaurant, etc.
7-8.26 Shopping center	One (1) space for every two hundred (200) square feet of gross floor area.
7-8.27 Retail stores of all types not otherwise mentioned	One (1) space per one-hundred fifty (150) square feet of gross floor area.
7-8.28 Wholesale establishments	One (1) space for each employee plus sufficient spaces to accommodate vehicles used in the conduct of the business.

7-9 Off-Street Loading Requirements. On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse, truck freight terminal, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot of adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets and alleys.

Such loading and unloading space, unless otherwise adequately provided for, shall be an area ten (10) feet by fifty (50) feet, with fifteen (15) foot height clearance, and shall be provided according to the following schedule:

Gross Floor Area in Square Feet	Loading and Unloading Spaces Required in Terms of Square Feet of Usable Floor Area
0 - 10,000	None
10,001 - 100,000	One (1) space for the first 10,001 square feet plus one (1) additional space for each additional 40,000 square feet in excess of 10,001 square feet.
100,001 - 500,000	Three (3) spaces for the first 100,001 square feet plus one (1) space for each additional 100,000 square feet in excess of 100,001 square feet.

7-10 Minimum Number of Loading Spaces Required. Industrial, wholesale, and retail operations shall provide space as follows:

- A. Off-street loading spaces shall be provided as appropriate to the functions and scope of operation of individual or groups of buildings and uses.
- B. Off-street loading spaces shall be designed and constructed so that all maneuvering to park and unpark vehicles for loading and unloading can take place entirely within the property lines on the premises. Loading spaces shall be provided so as not to interfere with the free, normal movement of vehicles and pedestrians on public right-of-way.
- C. Ingress and egress to off-street loading spaces shall conform to driveway entrance regulations of Cook County.

7-11 Curb Cut Requirements. In any district as described below where the lowering or cutting away of curbs, or the placement of asphalt and/or driveway pipe on non-curbed sections for the purpose of ingress and egress is required to the property, such curb cuts or asphalt width shall be placed through the entire right-of-way and shall be subject to the following provisions:

7-11.1 Residential Curb Cuts: A-U, R-R, R-1, and R-1A, zoning properties (excluding manufactured housing park development):

7-11.1.1 No more than two combined entrances and exits shall be allowed any parcel of property, the front of which is less than 200 feet on any one street. Additional entrances or exits for parcels having a frontage in excess of 200 feet shall be permitted at the rate of one entrance/exit for each additional 100 feet.

7-11.1.2 At street intersections (corner lots), no curb cuts shall be located within 25 feet of the intersection of two curb lines or such lines extended; or within 15

feet of the intersection of two property lines (right-of-way lines) or such lines extended, whichever is more restrictive. On principal or minor arterials or collector streets, no driveway shall be within 70 feet of the intersection of two curb lines or curb lines extended.

- 7-11.1.3** The distance between any two curb cuts on the same side of the street shall be not less than 10 feet. Said distance shall be measured between the point of tangency of the curb return radii and the established curb.
- 7-11.1.4** All driveways shall be constructed so as to have at least five feet from any front property line (excluding right-of-way), except that a curb return may become tangent to a curb line at a point where such property line extends with the curb line.
- 7-11.1.5** The maximum width of any driveway shall not exceed 24 feet measured at the right-of-way line.
- 7-11.1.6** The sum of the two curb return radii for any curb cut shall not exceed 15 feet.
- 7-11.1.7** When development on sites with existing curb cuts that have been abandoned, and access is no longer afforded due to parking lots, buildings or other permitted structures. The driveway shall be removed, the sidewalk (if existing) shall be replaced, the curb and gutter shall be replaced, and dirt backfilled to its natural state.

7-12.2 Commercial, Industrial, and Manufactured Housing Park Curb Cuts:

- 7-12.2.1** No more than two combined entrances or exits shall be allowed on any parcel with frontage of less than 300 feet on any one street. On parcels with less than 150 feet, only one entrance shall be allowed provided it is a two-way driveway (two one-way driveways shall be allowed in lieu of the one two-way). Additional entrances or exits for parcels of property having a frontage in excess of 300 feet shall be permitted at the rate of one entrance-exit for each additional 150 feet.
- 7-12.2.2** No driveway shall be located closer than 150 feet of an existing driveway on an abutting lot. Existing lots of record less than 150 feet frontage shall be allowed one combined entrance/exit not to exceed 24 feet at right-of-way line.
- 7-12.2.3** At street intersections (corner lots), no curb cuts shall be located within 70 feet of the intersection of two curb lines or within 60 feet of the intersection of two property lines (right-of-way lines) where such lines extended, whichever is more restrictive.
- 7-12.2.4** All driveways shall be constructed so as to be at least 12.5 feet from any property line except that a curb return may become tangent to a curb line at a point where the property line extended intersects such curb line.

7-12.2.5 Maximum width of any driveway shall not exceed 35 feet measured at the right-of-way line; minimum two-way shall be 24 feet at right-of-way line with a maximum of 12.5 foot radius. No two driveways on the same property shall be closer than 25 feet.

7-12.2.6 The maximum width of any curb cut in RC, G-B, C-A, W-L-I and H-I zones shall not exceed 35 feet at the right-of-way line.

7-12.2.7 The sum of the two curb return radii for any one curb cut shall not be less than 25 feet, nor greater than 40 feet.

7-12.2.8 When development on sites where existing curb cuts have been abandoned, and access is no longer afforded due to parking lots, buildings, or other permitted structures, the driveway shall be removed, the sidewalk (if existing) shall be replaced, the curb and gutter shall be replaced, fill dirt backfilled to its natural state; where it is a piped driveway to a dirt or paved street, said pipe shall be removed, asphalt removed and the shoulders and ditch regraded to its natural pre-existing state.

SECTION 8

NON-CONFORMANCES

8-1 Non-conforming Lots. Any lot for which a plat or legal description has been recorded in the Office of the Clerk of Superior Court of Cook County at the time of passage of this ordinance which fails to comply with the dimensional requirements for the district in which it is located may, if vacant, be used for any of the uses permitted within the district by this ordinance, or if occupied by a structure containing a conforming use, may have the structure improved, enlarged, or extended; provided that in either case:

- a. Minimum requirements of the district for front, side, and rear yard, height, and floor area shall be complied with.
- b. The lot may be used for duplexes or multi-family dwellings when allowed within the district only if the lot meets the minimum lot area requirements for those uses in the district.

8-2 Non-conforming Uses of Land. A non-conforming use of land is an open, lawful and substantial use of property in a manner not permitted in the applicable zoning district and at all times since the property became subject to the zoning district's requirements Nonconforming uses may continue operation provided that:

- a. When a non-conforming use of land has been changed to a conforming use, it shall not thereafter be used for any non-conforming use.
- b. Non-conforming uses of land shall not be changed to any but conforming uses.
- c. A non-conforming use of land shall not be enlarged to cover more land than was occupied by that use when it became non-conforming.

- d. When any non-conforming use of land is discontinued for a period in excess of one (1) year, any future use of the land shall be limited to those uses permitted in that district under the provisions of this ordinance. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

8-3 Non-conforming Uses of Structures. Non-conforming uses of structures consists of structures used, at the time of passage of this ordinance, for purposes not permitted in the district in which they are located. In addition to the other requirements of this ordinance, non-conforming uses of structures shall be governed by the following restrictions:

- a. An existing non-conforming use of a structure may not be changed to another non-conforming use.
- b. A non-conforming use of a structure shall not be extended or enlarged except into portions of the structure which at the time the use became non-conforming were already erected and arranged or designed for such non-conforming use. No structural alterations shall be made in any structure occupied by a non-conforming use, which would in any way increase the floor space, area, or volume of space occupied by the use.
- c. When any non-conforming use of a structure is discontinued for a period in excess of one (1) year, any future use of the structure shall be limited to those uses permitted in that district under the provisions of this ordinance. Vacancy and/or non-use of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

8-5 Reconstruction of Non-conforming Structures. When a non-conforming structure or a structure containing a non-conforming use is razed or damaged by fire, flood, wind, or act of God, such structure may be reconstructed as a non-conforming use only if the damage totals less than seventy-five percent (75%) of the value of the structure. Structures which do not conform to the yard requirements of this ordinance shall also be governed by this provision.

8-6 Non-Conforming Junk Yards. All non-conforming junk yards shall be made to conform with the special provisions of the zoning ordinance within a period of two (2) years of the adoption of the zoning ordinance. Screening of junk yards is intended to shield the use from public view and from the view of surrounding properties, to reduce noise emitting from the premises, and to protect surrounding property values. An eight (8) foot wide buffer strip shall be planted, or existing vegetation may be used, in combination with a solid fence which shall be constructed of wood, concrete or chain link with wooden or metal slats, dense enough to interrupt vision and noise. The fence shall be built to a height of eight (8) feet. The required vegetative screen shall be planted such that it will reach its required height in a period of three years, and the fence and vegetative buffer shall be erected along all road frontages, side lot lines, and rear yards. All fences must be secured with locks approved by the Building Official.

8-7 Changes in Zoning. Any non-conformances created by a change in district boundaries or ordinance regulations after the date of passage of this ordinance shall also be governed by the provisions of this section.

8-8 Non-conforming manufactured housing: This ordinance prohibits the installation or relocation of manufactured home dwellings that are greater than fifteen years of age. All manufactured homes greater than fifteen years of age installed in the unincorporated portion of Cook County as of the effective date of this ordinance, and any manufactured homes which are installed in the unincorporated portion of Cook County and subsequently become greater than fifteen years of age, shall be considered valid non-conforming uses provided

that they shall be subject to the same restrictions as other non-conforming structures, and shall not be relocated within the unincorporated portion of Cook County.

SECTION 9**SPECIAL PROVISIONS FOR CERTAIN USES**

9-1 Home Occupations. A home occupation as defined by this ordinance shall be governed by the following requirements:

- 9-1.1** Only residents of the dwelling may be engaged in the home occupation.
- 9-1.2** The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.
- 9-1.3** Use of the building for this purpose shall not exceed twenty-five percent (25%) of the conditioned air space of the dwelling.
- 9-1.4** No internal or external alterations inconsistent with the residential use of the dwelling shall be permitted.
- 9-1.5** The use of a structure as a home occupation may not cause a nuisance in the neighborhood, either because of noise, traffic, lighting or any other reason.
- 9-1.6** No accessory buildings or outside storage shall be used in connection with the home occupation.
- 9-1.7** The home occupation shall not be allowed any destination traffic trips that are related to the home occupation by outside clients or patrons.
- 9-1.8** Vehicles used primarily as passenger vehicles only shall be permitted in connection with the conduct of the customary home occupation.
- 9-1.9** The following and similar uses shall be considered home occupations provided that all additional requirements of this section are met: addressing service, answering service, architect, computer consulting, desktop publishing, drafting, manufacturing agent, pet sitting (off-site), and web design. Other professions and/or services which are essentially office or clerical in nature as approved by the Zoning Administrator upon a finding that the desired home occupation is consistent with the residential character of the neighborhood, and will comply with the other provisions of this Section.

9-2 Home Based Business. A home based business, as defined by this Ordinance, shall be governed by the following requirements:

- 9-2.1** At least one resident and not more than one non-resident of the dwelling may be engaged in the home based business. The resident must be the owner of the home based business.
- 9-2.2** The home based business shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.
- 9-2.3** No display of products shall be visible from the street and only products produced on the premises may be sold on the premises.
- 9-2.4** Only one (1) point of business sign, not exceeding two square feet in size, motionless, non-lighted, and attached to the principal building, shall be permitted.

- 9-2.5 Use of the dwelling for this purpose shall not exceed twenty-five (25) percent of the conditioned air space of the dwelling.
- 9-2.6 No internal or external alterations inconsistent with the residential use of the dwelling shall be permitted.
- 9-2.7 The home based business shall not constitute a nuisance in the neighborhood.
- 9-2.8 No accessory buildings or outside storage shall be used in connection with the home based business.
- 9-2.9 Instruction in music and other tutorial services shall be limited to two (2) students at a time.
- 9-2.10 Vehicles used primarily as passenger vehicles only shall be permitted in connection with the conduct of the home based business.
- 9-2.11 No more than two (2) non-transient guests may be boarded at any one time as a home based business.
- 9-2.12 The following and similar uses may be considered for approval as home based businesses provided that all additional requirements of this section are met: accountant, addressing service, answering service, architect, art instructor, barber or beauty shop (with no more than one (1) chair), drafting, dressmaking, insurance agent, manufacturing agent, music teacher, notary public, photography, real estate agent, tax consultant, and other home based businesses as approved by the Zoning Administrator.
- 9-2.13 Not more than six (6) children may be kept in the home as a customary home occupation. Safe, proper and efficient loading and unloading spaces must be supplied and at least 100 feet of outdoor play area is required for each child accommodated. The entire outdoor play area shall be enclosed by a steel mesh security fence with lockable gates approved by the building official or other substantial building material affording equal or better protection, having a minimum height of at least four (4) feet and constructed in such a manner that maximum safety to the children is ensured.

9-3 Rural Home Occupations. This provision is designed to provide for the reasonable development of rural home occupations as an accessory use to rural residential uses. Uses of property for the Rural Home Occupation (RHO) shall be governed by the following requirements:

- 9-3.1 Property for which an RHO is proposed shall be owner occupied and shall contain a minimum of five acres of land in the A-U zoning district and shall directly abut an arterial or collector roadway as defined on the Major Thoroughfare Plan.
- 9-3.2 The accessory structure shall be located behind the residential structure and meet the side and rear building setback lines of the A-U zoning district and all building code separation requirements shall apply. The accessory structure shall contain no more than seventy-five (75) percent of the gross square footage of the principal residential dwelling.
- 9-3.3 Any Rural Home Occupation shall be operated in such a manner as to avoid causing a noise, lighting or traffic nuisance to adjacent residential structures, and shall comply with the appearance of property provisions in this ordinance applicable to residential structures.
- 9-3.4 No display of products shall be allowed in the front yard.

- 9-3.5** In addition to signs permitted under Section 11 of this ordinance, one additional sign not exceeding sixteen square feet in size, motionless and non-lighted, shall be permitted on properties upon which a rural home occupation is conducted. This ordinance shall not be construed to regulate the content upon such additional sign.
- 9-3.6** All Rural Home Occupations operating under this ordinance section shall provide designated off-street parking to the rear of the primary residential structures for customers of said RHO.
- 9-3.7** Any occupation that meets the intent of this ordinance may be approved by the Zoning Administrator within an A-U zoning district as described herein. This may include but is not limited to the following: catering service, motorized vehicle repair, printing or engraving shop, flower shop, furniture upholstery shop, locksmith or gunsmith, personal service shops, photography studio, specialty shops as they relate to the sale of items manufactured therein, and service oriented commercial activities associated with agricultural uses. The Zoning Administrator may approve other uses as rural home occupations upon a finding that the desired rural home occupation is consistent with the character of the neighborhood and will comply with the other provisions of the Section.
- 9-3.8** Any use approved as a Rural Home Occupation which proposes outside storage shall provide for screening of the entire service or storage area as required in Section 3-19 of this ordinance.

9-4 Manufactured Housing Parks. Manufactured housing parks are allowed provided the following requirements are met:

- 9-4.1** The minimum lot size shall be ten (10) acres.
- 9-4.2** Setbacks shall be as described in Section 6, setback and yard requirements by district.
- 9-4.3** Each manufactured home shall be connected to an approved water and sewer system.
- 9-4.4** The minimum area per manufactured home space shall be not less than forty-three thousand five hundred sixty (43,560) square feet with a minimum individual space width of one hundred fifty (150) feet. Individual manufactured home space requirements shall be as dictated by the rules and regulations of the Cook County Board of Health and the zoning ordinance minimums. All Health Department required plans shall accompany the required site plan for Planning Advisory Commission review.
- 9-4.5** All manufactured home spaces or other park sites devoted to accessory uses (such as management offices, laundry facilities, recreation buildings, etc.) shall have an interior setback of ten (10) feet from its respective area boundaries. Residential accessory buildings associated with dwelling units shall be set back ten (10) feet from its respective space boundaries, limit of one (1) accessory building per manufactured home space.
- 9-4.6** A sixty (60) foot interior drive, paved and properly drained for two-way traffic, 22 foot paving minimum, shall serve all manufactured home spaces and shall be drained so as to prevent damage to adjoining property, public or private.
- 9-4.7** Each manufactured home space and accessory use space shall be clearly defined by means of concrete, steel or iron pipe markers placed at all corners.

- 9-4.8** At least two hundred (200) square feet per manufactured home space (not to be a part of the required manufactured home space) shall be provided in one (1) or more locations for community playground and recreation purposes.
- 9-4.9** All property lines of a manufactured housing park which abut any zoning district other than another MHP district shall be screened as described in Section 3-19.
- 9-4.10** Prior to any application for rezoning, development or expansion, all manufactured housing park developments must be submitted and reviewed by the Greater Cook Planning Advisory Commission. A building permit shall not be denied for any reason other than the failure to comply with the requirements of this ordinance or State or Federal law. Proper utility plans, drainage plans and road development plans, drawn to county specifications, shall accompany the proposed site plan for county staff review prior to submission to the Planning Advisory Commission. For the purpose of the development of the required plans, site plans for manufactured housing parks shall contain data equivalent to the preliminary plat requirements of the Cook County Land Subdivision Ordinance. Construction drawings equivalent to the improvements plan process described in the Cook County Land Subdivision Ordinance shall be required to be submitted to and approved by the Cook County Engineer prior to the initiation of any manufactured housing park construction.
- 9-4.11** No manufactured housing park shall be occupied by a greater number of manufactured homes than that authorized in the approved site plan. No manufactured housing park shall be enlarged or expanded unless a separate manufactured housing park site plan has been reviewed and approved by the Planning Advisory Commission.

9-5 Rural Farm Housing. In A-U zones within the unincorporated area of Cook County, there shall be permitted, as a matter of right, to any owner of property one primary dwelling and for farms between 10 and 50 acres, one (1) accessory dwelling. For each 50 acres over 50 acres, up to 200 acres, one accessory dwelling per 50 acres shall be allowed. For over 200 acres, one (1) accessory dwelling for each additional 100 acres shall be allowed. The additional accessory dwellings set forth above will be permitted on any parcel of land under single ownership where the following conditions can be met:

- 9-5.1** Occupants of non-principal residential uses shall be related by blood ties to the owner of the property and said blood relationships shall extend to but not beyond the second descending and ascending generation. This shall not apply to occupants that are full time employees of the property owner and are responsible for the agricultural production of the property.
- 9-5.2** Each such non-principal residential use shall occupy a land area not less than 43,560 square feet in size, with a minimum area width of one hundred fifty (150) feet.
- 9-5.3** Each such land area shall be so defined by permanent physical markers as to be given a numerical address and location designation.
- 9-5.4** Each such land area shall receive approval from established county health authorities as to its suitability as a site for an effective sanitary sewage disposal system designed to accommodate wastes generated by the user of that land site.
- 9-5.5** An acceptable domestic water supply shall be available to each satellite user of this special provision and such water supply shall meet local public requirements as administered by county health authorities.

- 9-5.6 No commercial use of this special provision will be allowed and no rental charge can be placed on the non-principal uses.
- 9-5.7 Each such use shall be accessible, either by private drive or public roadway, to the public thoroughfare system.
- 9-5.8 Individual power supply sources shall be provided to each user under this special provision and each utility installation shall meet such standards as have been adopted by local authorities.
- 9-5.9 Facilities established under this special provision for residential use shall meet the requirements of local construction and use codes established by the Cook County Commission.
- 9-5.10 Permits for construction will not be issued prior to the approval of each of the aforementioned conditions by the Zoning Administrator. In addition, any change in use or occupancy must be approved by the Zoning Administrator.

9-6 Agricultural Worker Housing. Agricultural worker housing is allowed as an accessory use in the AU (Agricultural Use) zoning district subject to the following provisions:

- 9-6.1 Head of household shall be a full time or seasonal employee of the property owner and are responsible for the agricultural production of the property.
- 9-6.2 All such housing shall meet applicable rules and regulations regarding agricultural worker housing of the Georgia Department of Labor.
- 9-6.3 Water supply and sewage disposal for said housing shall be approved by the Cook County Health Department.
- 9-6.4 Such accessory uses shall be subject to the principal building front, rear and side yard setback requirements of the AU (Agricultural Use) zoning district.
- 9-6.5 All such structures or buildings developed for agricultural worker housing shall be limited to a maximum height of 35 feet and shall have a minimum of 30 feet of open, unoccupied space between it and any other building or structure in the development.
- 9-6.6 Only one Agricultural Worker Housing Unit is allowed for each 50 acres of land.

9-7 Security Worker Housing. Security worker housing may be allowed as a Special Exception as an Accessory Use in the R-C, G-B, W-L-I, and the H-I zoning districts subject to the following provisions:

- 9-7.1 Member of household shall be a full time employee of the property owner or lessor and be responsible for the security of the property.
- 9-7.2 Water supply and sewage disposal for said housing shall be approved by the Cook County Health Department.
- 9-7.3 Such accessory uses shall be subject to the principal building front, rear and side yard setback requirements of the appropriate zoning district.
- 9-7.4 These units shall be a minimum of 400 square feet, yet no larger than 1,120 square feet, and shall have a minimum of 30 feet of open, unoccupied space between it and any other building or structure on the property.

9-7.5 There shall be only one (1) security worker dwelling located at each site.

9-8 Commercial Chicken Houses. All chicken house facilities shall be located at least 1,000 feet from any residential dwelling and residential zoning district, excluding any dwelling belonging to the owner of the poultry operation, as well as any commercial or industrial use. Setbacks for buildings shall be at least 150 feet from a public right of way or adjoining property line, and the parcel upon which a poultry facility is to be sited shall be at least ten (10) acres per house with a 20 acre minimum. Exhaust fans shall discharge away from the nearest resident.

Associated compost houses shall be setback 300' from any property line or right-of-way, and 1500 feet from any residential dwelling..

9-9 Junk Yard Buffers. An eight (8) foot fence and six (6) foot wide buffer strip, developed in accordance with Section 3-19, shall be erected along all road frontages, all side lot lines and all rear yard lines of any junk yard.

SECTION 10

WATER RESOURCE DISTRICTS

10-1 Purpose. The intent of this section is to establish minimum development standards and criteria which will afford reasonable protection of environmentally sensitive natural resources found throughout Cook County. Based on the findings of the 2015 Greater Cook Comprehensive Plan, it has been determined that the wise management of these resources as defined in this ordinance is essential to maintaining the health, safety, general welfare and economic well being of the public.

10-2 Establishment of Water Resource Districts. Cook County’s Water Resource Districts shall include the following:

- Groundwater Recharge Area Districts**
- River Corridor Protection Districts**
- Wetlands Districts**

The boundaries of these Water Resource Districts are shown on a set of maps designated as “Water Resource Districts” and are included as part of the Official Cook County Zoning Maps which are on file with the Zoning Administrator’s office.

10-3 Definitions. The following definitions shall apply to this Ordinance:

DHR Manual. This ordinance is referring to Manual for On-Site Sewage Management System, as it may be amended from time to time.

Water Resource Districts. A Water Resource District is a mapped area which imposes a set of requirements and/or specific development standards or use restrictions.

Hazardous Waste. Hazardous waste means any solid waste which has been defined as a hazardous waste in regulations, promulgated by the administrator of the U. S. Environmental Protection Agency pursuant to the federal act, which are in force and effect on February 1, 1988, codified as 40 C.F.R. Section 261.3.

Pollution Susceptibility means the relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundments, applications of chemicals, injections and other human activities in the recharge area.

Pollution Susceptibility Map means maps of relative vulnerability to pollution prepared by the Department of Natural Resources, using the DRASTIC methodology. (Georgia Department of Natural Resources Hydrologic Atlas 20: Groundwater Pollution Susceptibility Map of Georgia).

Recharge Area means any portion of the earth's surface, where water infiltrates into the ground to replenish an aquifer.

Significant Recharge Areas means those areas mapped by the Georgia Department of Natural Resources in Hydrologic Atlas 18 (1989 edition).

Natural Vegetative Buffer means a river corridor containing the flora native to that area. The natural floras for specific areas are described in Georgia Geologic Survey Bulletin 114, "the Natural Environments of Georgia." Habitats for endangered and threatened species may require human management of the river corridor in order to maintain those species.

Single-family Dwelling means a dwelling structure that is designed for the use of one family.

River/Stream Bank. The rising ground, bordering a river or a stream, which serves to confine the water to the natural channel during the normal course of flow.

Utility. Public, private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, storm water systems and railroads or other utilities identified by a local government.

Wetlands. Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. The ecological parameters for designating wetlands include hydric soils, hydrophytic vegetation, and hydrological conditions that involve a temporary or permanent source of water to cause soil saturation.

Generalized Wetlands Map. The current U. S. Fish and Wildlife Service National Wetlands Inventory maps for Cook County, Georgia.

Jurisdictional Wetland. An area that meets the definitional requirements for wetlands as determined by the U. S. Army Corps of Engineers.

Jurisdictional Wetland Determination. A delineation of jurisdictional wetlands boundaries by the U. S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, 33 U.S.C. Subscript 1344, as amended.

Regulated Activity. Any activity which will, or which may reasonably be expected to, result in the discharge of dredged or fill material into waters of the U. S. excepting those activities exempted in Section 404 of the Federal Clean Water Act.

10-4 Groundwater Recharge Area District

10-4.1 Findings of Fact. Recharge areas are vulnerable to urban development activities as well as agricultural activities. Pesticides, herbicides sprayed on crops, animal waste and septic tank effluents contribute to deterioration in the groundwater quality and can threaten the health of residents relying on well water. Development usually means an increase in the amount of land covered with impervious surfaces. Paving land in recharge areas can alter or impair their recharge characteristics thereby decreasing groundwater supplies.

10-4.2 Purpose. The purpose of this district is to establish criteria to protect significant groundwater recharge areas from pollution by spills, discharges, leaks, impoundments, application of chemicals, injections and other development pressures. Whenever a requirement of this Section is different from a requirement of the remainder of the Cook County Zoning Ordinance, the more restrictive requirement shall control.

10-4.3 District Delineation. The groundwater recharge area protection map is delineated according to the Georgia Department of Natural Resources' "Most Significant Groundwater Recharge Areas of Georgia, Hydrologic Atlas 18 (1989 Edition)" and the Georgia Department of Natural Resources "Groundwater Pollution Susceptibility Map of Georgia, Hydrologic Atlas 20, 1992 Edition". Standards for this district shall comply with the DNR Rule 391-3-16-02, Criteria for the Protection of Groundwater Recharge Areas.

10-4.4 Permitted Uses. The following are requirements for specific uses in the Groundwater Recharge Area Protection District:

A. All above-ground chemical or petroleum storage tanks, having a minimum volume of 660 gallons, shall have secondary containment for 110% of the volume of such tanks or 110% of

the volume of the largest tank in a cluster of tanks. Such tanks used for agricultural purposes are exempt, provided they comply with all Federal requirements.

B. New agricultural waste impoundment sites shall be lined if they are within:

- 1) a high pollution susceptibility area;
- 2) a medium pollution susceptibility area and exceed 15 acre-feet in size; and
- 3) a low pollution susceptibility area and exceed 50 acre-feet in size.

As a minimum, the liner shall be constructed of compacted clay having a thickness of one-foot and a vertical hydraulic conductivity of less than 5×10^{-7} cm/sec or other criteria established by the Natural Resources Conservation Service.

C. New homes served by a septic tank/drain field system shall be on lots having minimum size limitations as follows, based on application of Table MT-1 of the DHR Manual (hereinafter DHR Table MT-1). The minimums set forth in Table MT-1 may be increased further based on consideration of other factors (set forth in Section A-F) of the DHR Manual.

- 1) 150% of the subdivision minimum lot size calculated based on application of DHR Table MT-1 if they are within a high pollution susceptibility area;

- 2) 125% of the subdivision minimum lot size calculated based on application of DHR Table MT-1 if they are within a medium pollution susceptibility area;
 - 3) 110% of the subdivision minimum lot size calculated based on application of DHR Table MT-1 if they are within a low pollution susceptibility area.
- D. New manufactured home parks served by septic tank/drain field systems shall have lots or spaces having minimum size limitations as follows, based on application of Table MT-2 of the DHR Manual (hereinafter DHR Table MT-2). The minimums set forth in Table MT-2 may be increased further based on consideration of other factors (set forth in Section A-F) of the DHR Manual.
- 1) 150% of the subdivision minimum lot or space size calculated based on application of DHR Table MT-2 if they are within a high pollution susceptibility area;
 - 2) 125% of the subdivision minimum lot or space size calculated based on application of DHR Table MT-2 if they are within a medium pollution susceptibility area;
 - 3) 110% of the subdivision minimum lot or space size calculated based on application of DHR Table MT-2 if they are within a low pollution susceptibility area.
- E. Lots of Record approved prior to the adoption of this ordinance are hereby exempted from the requirements of (C) and (D) above.
- F. New facilities which handle hazardous materials, of the types (listed in Section 312 of the Resource Conservation and Recovery Act of 1976, excluding underground storage tanks) and in amounts (10,000 pounds or more on any one day) shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements and any local fire prevention code requirements.
- G. Permanent storm water infiltration basins shall not be constructed in areas having high pollution susceptibility.
- H. Any new wastewater treatment basin shall have an impermeable liner.

10-5 Little River Corridor Protection District

10-5.1 Description of District. The limits of the Little River Corridor Protection District are hereby defined to be all land inclusive of islands, in areas of the Little River and being within 100 feet horizontally on both sides of the river as measured from the river banks. This area shall remain in an undisturbed vegetative buffer. The 100-foot buffer is measured from the uppermost part of the river bank, usually marked by a break in slope. Although not within the buffer area, the area between the top of the river bank and the water's edge shall be included in the district.

Because stream channels move due to natural processes such as meandering, river bank erosion, and jumping of channels, the river corridor may shift with time. To address this potential, local staff will require that all applicants submit a site plan, prepared on a plat or survey, upon which the applicant or his design specialist has designated the river bank. Local planning/inspections staff will verify the river bank on site, and insure its proper delineation on the site plan. The required 100 foot buffer will be clearly delineated on the site plan and enforced as a part of the local inspections process.

The Little River Corridor Protection District is not intended to prescribe a specific land use but rather, to define a range of acceptable land uses. Within the range of uses which can be located within the District, this Section establishes performance standards which apply to development within the District.

10-5.2 Intent. The intent of the regulations within this River Corridor Protection District is to limit the use of the Little River Corridor, in conjunction with other governmental entities along the Little River Corridor, in order to:

- A. Assure that the section of the river in Cook County will not become polluted and unsuitable as a source for potable water;
- B. Protect the river corridor by establishing a natural vegetative buffer area bordering the river;
- C. Preserve those qualities that make the river corridor suitable as a habitat for wildlife; and
- D. Help control erosion and to absorb flood waters.

The further intent of this district is to protect and safeguard the health and welfare of all the citizens of Cook and adjacent counties by providing protection of the section of the river that is or may be used as a future source of drinking water.

10-5.3 Conditions and Performance Standards. Within the River Corridor Protection District, the following conditions and performance standards shall apply:

10-5.4 Permitted Uses.

- A. Allow the building of single-family dwellings, including the usual appurtenances, within the buffer area, subject to the following conditions:
 - 1) The dwelling shall be in compliance with all local building codes;
 - 2) The dwelling shall be located on a tract of land containing at least two acres. For the purposes of these standards, the size of the tract of land shall not include any area that lies within the protected river (that is, for tracts of land that include portions of a protected river, the area between the river banks cannot be counted towards the two acre minimum size). A minimum continuous lot width of at least 210 feet shall be required for each parcel or lot (see Minimum Lot Size and Widths for Agricultural Use (A-U) zoning district).
 - 3) There shall be only one such dwelling on each two-acre or larger tract of land.
 - 4) A septic tank or tanks serving such a dwelling may be located within the buffer area.
 - 5) Septic tank drainfields shall not be located within the buffer area.
- B. The construction of road and utility crossings shall meet all requirements of the Erosion and Sedimentation Control Act of 1975 and of any applicable local ordinances on soil erosion and sedimentation control, as duly amended.

- C. Timber production and harvesting, subject to the following conditions:
 - 1) Forestry activity shall be consistent with best management practices established by the Georgia Forestry Commission; and
 - 2) Forestry activity shall not impair the drinking quality of the river water as defined by the Federal Clean Water Act, as amended.
- D. Wildlife and fisheries management activities consistent with the purposes of Section 12-2-8 (as amended) of Article 1, Chapter 2, Title 12 of the Official Code of Georgia Annotated (O.C.G.A.).
- E. Wastewater treatment
- F. Recreational usage consistent either with the maintenance of a natural vegetative buffer or with river-dependent recreation. (For example, a boat ramp would be consistent with this criterion.)
- G. Natural water quality treatment or purification.
- H. Agricultural production and management, subject to the following conditions:
 - 1) Agricultural activity shall be consistent with best management practices established by the Georgia Soil and Water Conservation Commission;
 - 2) Agricultural activity shall not impair the drinking quality of the river water as defined by the Federal Clean Water Act, as amended; and
 - 3) Agricultural activity shall be consistent with all state and federal laws and all regulations promulgated by the Georgia Department of Agriculture.
- I. Other uses permitted by the DNR under Section 404 of the Clean Water Act.

10-5.5 Prohibited Uses.

- A. Handling areas for the receiving and storage of hazardous waste shall be prohibited within protected river corridors.
- B. "Septic tanks and septic tank drain fields are prohibited within the river corridor, except as expressly provided in Section 10-5.4A(4) dealing with single-family dwellings within the river corridor) of this ordinance, which provides for septic tanks related to single-family dwellings."
- C. Hazardous waste and solid waste landfills shall be prohibited in the river corridor.

10-5.6 Exemptions.

Cook County exempts the following from the River Corridor Protection requirements:

- A. Land uses existing prior to the adoption of the Little River Corridor Protection District are exempt from these requirements with the exception of industrial and commercial uses which must comply with the following two requirements:
 - 1) Industrial and commercial activity within the river corridor shall meet all state and federal environmental rules and regulations.
 - 2) Industrial and commercial activity within the river corridor shall not impair the drinking quality of the river.
- B. Mining activities, if permitted by the DNR pursuant to the Georgia Surface Mining Act of 1968, as amended.
- C. Utilities, (except as discussed above in Section 10-5.4(B)). If such utilities cannot feasibly be located outside the buffer area (feasibility shall be decided conservatively by the local government), provided that:
 - 1) The utilities shall be located as far from the riverbank as reasonably possible.
 - 2) Installation and maintenance of the utilities shall be such as to protect the integrity of the buffer area as well as is reasonably possible.
 - 3) Utilities shall not impair the drinking quality of the river water.
- D) Specific forestry and agricultural activities except as discussed above in Sections 10-5.4(C) and 10-5.4(H).

10-5.7 Restoration of Buffer.

The natural vegetative buffer shall be restored as quickly as possible following any land-disturbing activity or construction within the river corridor related to the acceptable uses above.

10-5.8 Construction Prohibited.

Except as noted above, all construction within the buffer area shall be prohibited.

10-6 Wetlands District

- 10-6.1 Findings of Fact.** The wetlands in Cook County, Georgia are indispensable and fragile natural resources with significant development constraints due to flooding, erosion, and soils limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife and vegetation; water quality maintenance and pollution control; flood control; erosion control; natural resource education; scientific study; and open space and recreational opportunities. In addition, the wise management of forested wetlands is essential to the economic well being of many communities within the State of Georgia.

Nationally, a considerable number of these important natural resources have been lost or impaired by draining, dredging, filling, excavating, building, pollution and other acts. Piece meal or cumulative losses will, over time, destroy additional wetlands. Damaging or destroying wetlands threatens public safety and the general welfare.

10-6.2 Purpose. The purpose of this ordinance is to promote wetlands protection, while taking into account varying ecological, economic development, recreational and aesthetic values. Activities that may damage wetlands should be located on upland sites to the greatest degree practicable as determined through a permitting process.

10-6.3 Establishment of the Wetlands Protection District. The Wetlands Protection District is hereby established which shall correspond to all lands within the jurisdiction of Cook County, Georgia that are mapped as wetland areas by the U. S. Fish and Wildlife Service National Wetlands Inventory Maps. This map shall be referred to as the Generalized Wetlands Map and is hereby adopted by reference and declared to be a part of this ordinance, together with all explanatory matter thereon and attached thereto.

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

10-6.4 Requirement for Local Permit or Permission. No regulated activity will be permitted within the Wetlands Protection District without written permission or a permit from Cook County, Georgia. If the area proposed for development is located within 50 feet of a Wetlands Protection District boundary, as determined by the Zoning Administrator and/or his designee using the Generalized Wetlands Map, a U. S. Army Corps of Engineers determination shall be required. If the Corps determines that wetlands are present on the proposed development site, the local permit or permission will not be granted until a Section 404 Permit or Letter of Permission is issued.

10-6.5 Permitted Uses. The following uses shall be allowed as of right within the Wetlands Protection District to the extent that they are not prohibited by any other ordinance or law, including laws of trespass, and provided they do not require structures, grading, fill, draining, or dredging except as provided herein. (The activities listed in this section are exempted from Section 404 regulations provided they do not have impacts on a navigable waterway that would necessitate acquisition of an individual 404 permit. However, under Section 10 of the Rivers and Harbors Act, a permit may be required in some circumstances.)

- A. Conservation or preservation of soil, water, vegetation, fish and other wildlife, provided it does not affect waters of Georgia or of the United States in such a way that would require an individual 404 Permit.
- B. Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding, and canoeing.
- C. Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission and as specified in Section 404 of the Clean Water Act.
- D. The cultivation of agricultural crops. Agricultural activities shall be subject to best management practices approved by the Georgia Department of Agriculture.

E. The pasturing of livestock, provided that riparian wetlands are protected, that soil profiles are not disturbed and that approved agricultural Best Management Practices are followed.

F. Education, scientific research, and nature trails.

10-6.6 Prohibited Uses. The following uses are not permitted within the Wetlands Protection District:

A. Receiving areas for toxic or hazardous waste or other contaminants;

B. Hazardous or sanitary waste landfills.

SECTION 11

SIGN REGULATIONS

11-1 PURPOSES

It is the purpose of Cook County in enacting these regulations to provide standards to safeguard life, public health, property and welfare by regulating the location, size, illumination, erection, maintenance and quality of materials of all signs. More specifically, signs have a powerful impact on the aesthetic environment of the community, and it is the purpose of this Ordinance to encourage an aesthetically attractive environment, allowing sufficient opportunities for communications to serve business, interest groups and the public, while complying with the Federal and State Constitutions and laws. Signs create visual clutter and therefore should be regulated in their size, location, construction and illumination. Signs can detract from the beauty of the neighborhood and lower property values. In seeking to comply with federal and state law, the County has determined the following: large signs are, as the U.S. Supreme Court has recognized, an aesthetic harm; the Georgia Supreme Court has upheld sign regulations on the basis of aesthetics and preserving the beauty of environment; and, the Eleventh Circuit has recognized portable signs are visual clutter and a potential traffic hazard. These holdings show that the County's ordinance is within the law and constitutional, which is a goal of the County. The goal of this Article is to avoid being an impermissible content-based regulation, and instead to be a permissible time, place and manner restriction.

Many signs can also be a hazard and negatively impact traffic safety, by distracting drivers and blocking views of other vehicles and dangers, by making intersections more treacherous, and by making it difficult to see oncoming traffic when entering a roadway. Therefore, it is also the purpose of this Ordinance to prevent those harms by regulating signs to safe locations, safe sizes, with proper and safe illumination and construction.

11-2 JURISDICTION AND APPLICABILITY OF CODE REQUIREMENTS

- 11-2.1** This article shall apply to all properties within the unincorporated areas of Cook County, Georgia. This article shall not relate to the copy or message on a sign within the unincorporated areas of Cook County.
- 11-2.2** All signs and sign structures shall be constructed and maintained in conformance with the building and electrical codes adopted by Cook County.
- 11-2.3** If any provisions or requirements of this article are in conflict with any other provision or requirement of this ordinance or any other applicable governmental law, ordinance, resolution, rule, or other governmental regulation of any kind, the more restrictive rule or standard takes precedence.

11-3 VARIANCES

- 11-3.1** Variances from the provisions of this article may be requested. All such variances shall be considered and decided by the Cook County Board of Commissioners in accordance with officially adopted procedures and standards contained in the Cook County Zoning Ordinance, provided that the decision to grant or deny a variance shall be based upon conditions and factors pertaining to the time, place, and manner of the exhibition and construction of a sign, and not the content of the sign's copy.

11-4 GENERAL PROVISIONS AND DEFINITIONS

- 11-4.1** No sign shall be placed or maintained within the unincorporated area of Cook County except in conformity with this Sign Ordinance.
- 11-4.2** Notwithstanding any other restrictions in this Sign Ordinance, any sign, display or device allowed under this Ordinance may contain any commercial or non-commercial message, or any political or non-political message; except that such messages cannot depict obscenity, as defined by O.C.G.A. § 16-12-80, nor can they depict sexual conduct or sexually explicit nudity, as defined in O.C.G.A. § 36-60-3.
- 11-4.3** Height limitations in this Article control over the general height limitations of this Ordinance, and apply to any structure that contains a sign. For example, a church spire or radio antenna with a sign would be subject to the height limitations of this Article, rather than general height limitations.
- 11-4.4** Definitions: As used in this section, the following words have the following meanings. The general definitions and interpretative rules of the zoning ordinance shall also be used. To the extent those general rules or definitions conflict with these specific definitions, these definitions shall control.

ABANDONED SIGN: A sign and/or sign structure which no longer correctly directs or exhorts any person, or advertises a bona fide business, lessor, owner, product or service.

ANIMATED SIGN: Any sign that all or any part thereof visibly moves or imitates movement in any fashion whatsoever. Any sign that contains or uses for illumination any lights (or lighting devices) that change color, flash or alternate, show movement or motion, or change the appearance of said sign or any part automatically.

AREA OF SIGN (COPY AREA): The area within a continuous perimeter enclosing the limits of writing, representation, emblem, or any figure of similar character together with any frame, or material, open space, or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed.

BANNER: A sign hung either with or without a frame, possessing characters, letters, illustrations, or ornamentation applied to paper, plastic, or fabric of any kind. This definition expressly excludes all fabric signs mounted from one side to a flag pole.

BUILDING SIGN: Any sign attached to any part of a building other than a freestanding sign.

CANOPY: Any permanent roof-like structure, including awnings and marquees, projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.

CANOPY SIGN: Any sign attached to, or made a part of the front, side, or top of a canopy. These signs are regulated as wall signs.

COPY: The wording or graphics on a sign surface in either permanent or removable form.

CROWN OF THE ROAD: The highest point of a road, usually the center line of a road.

ERECT: To build, construct, attach, hang, place, suspend, paint or affix.

ESTABLISHMENT: A commercial, industrial, institutional, educational, office, business or financial entity.

FLAG: Any fabric sign, regardless of the message conveyed, mounted to a flag pole on one side only.

FLASHING SIGN: (See Animated Sign)

FREESTANDING SIGN: Any sign which is independent from any building or other structure and is entirely supported by a single or multiple pedestals that are permanently attached at or below ground level.

FRONTAGE, BUILDING: The length of an outside building wall facing a street.

FRONTAGE, STREET: The length of the property line of any one parcel along a street on which it borders.

GROUND SIGN: A sign that is anchored to the ground and is wholly independent of a building for support. Freestanding signs are included in this definition, as are signs on poles, frames, or other mounting structures other than buildings.

ILLUMINATED SIGN: A sign which contains an internal source of light or which is designed or arranged to reflect light from an artificial source.

MANSARD SIGN: Any sign attached to or erected within 12 inches of an actual or simulated mansard of a building, with the sign face parallel to and within the limits of the building, but not exceeding the roof line, and not deemed to be a roof sign. These signs are regulated as wall signs.

MONIPOLE SIGN or UNIPOLE SIGN: A freestanding sign that is erected on a single pedestal attached to the ground for the display of messages irrespective of the number of faces or the configuration of the faces.

MONUMENT SIGN: A permanent sign, other than a freestanding pole sign, placed upon or supported by the ground independent of any other structure and constructed of stone, concrete, masonry, stucco or equal architectural material. These signs are regulated as ground signs.

MOVING SIGN: (See Animated Sign)

PAINTED WALL SIGN: Any sign that is applied with paint or similar substance on the face of a wall.

PARCEL (LOT)-(BUSINESS LOT): Any standard lot or parcel of land, the boundaries of which have been established by a recorded legal instrument and is recognized and intended as a unit for the purpose of transfer of ownership, with said parcel being duly recorded with the Clerk of Superior Court, Cook County. *Those parcels recorded after March 5, 2001 must be a legal lot of record; if recorded after May 1, 2005, those parcels must be a legal lot of record and must have the Building/Zoning Administrator's Seal attached.*

PERMANENT SIGN: A sign permanently affixed to a building or the ground.

PERSON: Any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

PORTABLE SIGN: Any sign supported by its own frame or trailer, with or without wheels, that is designed to move from one place to another.

PRINCIPAL BUILDING: The building with the principal use of the parcel on which it is located. Parcels with multiple principal uses may have multiple principal buildings. However, storage buildings, garages, and other clearly accessory are not considered principal buildings.

PROJECTING SIGN: Any sign affixed to a building or wall, which horizontally extends more than twelve inches beyond the surface of a building or wall.

RESIDENTIAL DISTRICT: Includes all land R-R, R-1, and R-1A.

REVOLVING SIGN: (See Animated Sign)

ROOF SIGN: Any sign erected, constructed, and maintained upon or over the roof of any building and projecting above the roof line.

ROOF SIGN (INTREGRAL): Any sign erected or constructed as an integral part of a normal roof structure of any design. No part of the sign can extend vertically above the highest portion of the roof and no part of the sign can be separated from the rest of the roof by a space of more than six inches.

SETBACK: The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

SIDEWALK, SANDWICH OR A-FRAME SIGN: A sign which is normally in the shape of an "A" of some variation, which is usually two sided.

SIGN: Any display of words, shapes or images designed to convey a message to the viewer, located on the exterior of any dwelling, building or structure, or located anywhere on a lot upon a dedicated supporting structure or device, including poles, banners, windows and similar devices.

SIGN FACE: The actual message-carrying portion of the sign that can be used to display content, including any area that can display or does display words, pictures or other communicative elements of the sign, including the background color.

SIGN STRUCTURE: This includes all the elements of the sign, including its supporting structure, sign face, base, lights and every portion of the sign.

STREET: Any public or private right-of-way for automobile use. This excludes alleyways, parking lots and driveways.

STREET FRONTAGE: The width in linear feet of a lot or parcel where it abuts the right-of-way of any public street.

UNDER CANOPY SIGN: A sign that is suspended from the underside of a canopy (in awnings and marquees) is perpendicular to the wall surface of a building, and whose copy is not clearly visible from the public right-of-way.

WALL FACE: A measurement of area equal to the height of the structure from the ground to the coping or eave of the roof multiplied by the width of the wall associated with the individual business. The wall face is to be measured for each wall independently.

WALL SIGN: A sign that is fastened directly to or is placed or painted directly upon the

exterior wall of a building

WINDOW SIGN: A sign having its message visible from the exterior of a building that is either located within a building so as to be visible through a window, or affixed directly to the window either inside or outside the building.

11-5 PERMITTED SIGNS

11-5.1 If not otherwise stated, any sign not specifically permitted in a zoning district as provided under this section shall be prohibited. These regulations apply to signs located on any lot or development.

11-5.2 Standard Permitted Signs.

The following signs are permitted in the following zoning districts. A double-sided sign is counted as one sign, but each face counts towards the maximum area permitted. Height is measured from grade to the highest portion of the sign structure. Area is calculated as shown in Sec. 4.5.

Table of Standard Permitted Signs.

Districts /Uses	No. of ground signs	Total area of all ground sign faces	Max area of single ground sign face	Max height of ground signs	Window Signs (number/ maximum total area)	Wall Signs (number/ Max total area)	Max size of single wall sign	FLAGS number and Max total sq. ft.	FLAGS Max height
AU, RC	2	64 sq. ft.	32 sq. ft.	10 ft.	2, up to 8 sq. ft. total area	2/200 sq. ft.	200 sq. ft.	3, 100	25
RR, R1, R1A, MHP,	3	12 sq. ft.	4 sq. ft.	5 ft.	2, up to 8 sq. ft. total area	None	n/a	3, 50	20
GB	2	400 sq. ft.	200 sq. ft.	20 ft.	Can cover 25% of windows	4/200 sq. ft.	200 sq. ft.	3, 200	30
WLI	2	400 sq. ft.	200 sq. ft.	35 ft.	Can cover 25% of windows	4/250 sq. ft.	250 sq. ft.	3, 300	40
H-I	3	600 sq. ft.	300 sq. ft.	35 ft.	Can cover 25% of windows	4/300 sq. ft.	250 sq. ft.	3, 400	50

11-5.3 Interstate 75 Corridor.

Any sign located in a WLI, Wholesale Light Industrial or HI, Heavy Industrial Zoning District; and within 660 ft. of the nearest edge of the right-of-way of Interstate 75, the following requirements apply:

- (A) The maximum allowed sign face is 672 sq. ft. per direction, per face up to 35 feet. A sign height of up to 75 feet is allowed for signs up to 200 sq. ft. per direction, per face. No sign may be erected within 1000 feet of any other ground sign on the same side of the road, whether such sign is on the same lot or another lot.
- (B) Distances between signs are measured from the closest points of the signs at issue, whether that is the sign base or a portion of the sign structure.
- (D) It is the intent of this section to allow more signage along certain higher traffic corridors, while at the same time protecting the appearance of Cook County and serving the purposes enumerated in greater detail in Section 11.1. Whenever the distance requirements of this section would, if applied strictly, result in denying a person all opportunity for additional signage allowed under this section, because of the existence of a sign or signs on the property of another person or entity, a variance may be issued, subject to the procedure provided in the Zoning Ordinance, that both serves the interests of the County in adopting this sign ordinance, and also affords to such person reasonable additional signage. However, no variance shall be granted where the hardship is the result of the property owner or his predecessor-in-title's subdivision of the property.

11-5.4 Highway Signs.

In addition to the signs permitted elsewhere in this Ordinance, in the WLI and H-I Zoning Districts, the following additional permitted signs are allowed:

- (A) One additional ground sign of not more than 300 square feet per face, and not more than 35 feet in height, and not more than two-faced, may be erected on any lot that has road frontage on any U.S. Highway (e.g. 41), or any Georgia Highway (e.g. 7, 37, 76) Such sign must be erected within 50 feet of the right-of-way of said highway. No sign of more than 250 square feet erected under this section may be erected within 2,000 feet of any other ground sign exceeding 250 square feet, whether such sign is on the same lot or another lot. No sign of less than 250 square feet erected under this section may be erected within 500 feet of any other ground sign exceeding 100 square feet, whether such sign is on the same lot or another lot.
- (B) Distances between signs are measured from the closest points of the signs at issue, whether that is the sign base or a portion of the sign structure.
- (C) No sign erected under this section may be "double stacked"; that is, have two separate signs one higher than the other, both facing the same direction. Double stacked signs are permitted under other provisions of this Article.
- (D) It is the intent of this section to allow more signage along certain higher traffic corridors, while at the same time protecting the appearance of Cook County and serving the purposes enumerated in greater detail in Section 11.1. Whenever the distance requirements of this section would, if applied strictly, result in denying a person all opportunity for additional signage allowed under this section, because of the existence of a sign or signs on the property of another person or entity, a variance may be issued, subject to the procedure provided in the Zoning Ordinance, that both serves the interests of the County in adopting this sign ordinance, and also affords to such person reasonable additional signage. However, no variance shall be granted where the hardship is the result of the property owner or his predecessor-in-title's subdivision of the property.

- 11-5.5** Minor Signs. Any number of minor signs is permitted in addition to all other signs permitted under this ordinance. In residential and agriculturally zoned areas, these signs must be no more than one (1) sq. ft. in area, and no more than four feet in height. In GB, WLI, and HI zoned areas, these signs must be no more than four (4) sq. ft. in area, and no more than four feet in height. However, the area of all such sign faces on a single lot, parcel, residence, development, business or property may not exceed 10 square feet in residential and agriculturally zoned areas; and 20 square feet in general business, wholesale light industrial, or heavy industrial zoned areas.
- 11-5.6** Internal Signs. Any sign not visible from the outside of a structure or to passing members of the public is not restricted or regulated by this Article.
- 11-5.7** Outdoor Facility Signs. Any sign that is located at an outdoor event facility that is open to the general public; such as a ball field, race track, or amphitheatre, and is mounted on the internal-facing walls of the facility is excluded from the maximum number and square footage restriction. These signs must however still conform to the maximum height or other restrictions applicable to the property under this article, even if such sign is visible from public right-of-ways outside of the facility, so long as the sign faces inward toward the facility and any external visibility is incidental to the sign's location.

11-6 REGULATIONS FOR SIGNS

11-6.1 Location, Height, and Setback

- (A) The property owner must give permission for all sign placement on the owner's property, through the issuance of a letter signed by the owner.
- (B) All signs must comply with all side and rear setbacks of the underlying zoning ordinance.
- (C) Signs can be located in front setback areas, but all signs and sign structures, except as noted below, must be setback at least ten feet from the public right-of-way. No portion of a sign or sign structure shall encroach on or overhang the public right-of-way or any other person's property. Furthermore, for safety reasons, no sign shall be located closer than 10 feet from the back of the curb of a public roadway, or if there is no curb, from the edge of the pavement.
- (D) No sign can be erected closer than ~~50~~ 10 feet to the right-of-way of Interstate Highway 75.
- (E) Distances are measured from the closest portion of the sign (whether that is the base, sign face, or the sign structure) to the right-of-way, curb or pavement.
- (F) The height requirements of a sign shall be computed as the length of a straight vertical line from normal grade to the height of the highest attached component of the sign or sign structure. When the sign is constructed within 15 feet of a right-of-way, the normal grade shall be considered the elevation of the crown of the road. When a sign is constructed 15 or more feet from any right-of-way, normal grade shall be considered the lower of (1) existing grade of the site of the sign prior to construction of the sign or (2) the newly established grade at the base of the sign after construction, exclusive of any filling, beaming, mounding or excavating solely for the purpose of locating the sign. Refer to the Table of Standard Permitted Signs for specific height limits and requirements.

11-6.2 Number

For the purpose of determining the number of signs, ground signs shall be equal to the number

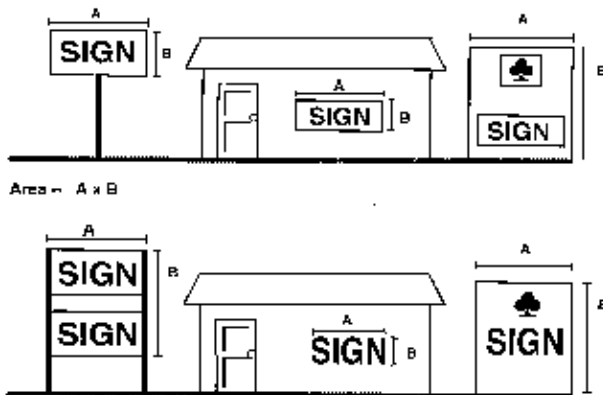
of sign structures. All other non-ground signs shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit.

11-6.3 Illumination

- (A) Ground signs cannot be internally illuminated in any residential or agricultural zoning district. All signs may be externally illuminated. External illumination of any sign in any district shall be positioned and shielded so that the light source does not shine directly into the path of motorists on a public right-of-way or into the windows of adjacent dwellings or businesses without the permission of the owner and resident thereof. Signs located in residential districts shall not be illuminated between the hours of 10:00 p.m. and 7:00 a.m.
- (B) Flashing, blinking or otherwise varying illumination is not permitted. No external or internal illumination that causes confusion with or distraction from any traffic signal or safety device shall be permitted
- (C) All externally illuminated signs shall utilize low wattage luminaries, mounted in fixtures designed to direct the light and eliminate light trespass, such as light shining into residences or other neighboring structures.
- (D) All internally illuminated signs shall utilize low wattage luminaries designed to reduce light glow.
- (E) All illuminated signs over ten feet in height shall either be internally illuminated or illuminated by external lighting fixtures not visible to passing motorists.

11-6.5 Calculation of Area

The area of a sign is calculated by determining the area of the smallest square or rectangle which encloses the sign face and the structure surrounding the sign face. For example, the pole or base would not be included, but any frame holding the sign face in place would be counted. See examples:



Area = A x B

Examples of Sign Face Area Measurements

11-6.6 Unusual Shaped Signs

Unusual shaped sign are signs that are any shape other than a square or rectangle, and include signs with projecting elements or features, round, oval, and triangular signs, signs with more than four sides, signs in the shape of an animal, object, or device, and so forth. For all such signs, the area is calculated by calculating the area of the smallest rectangle that will completely enclose all elements of the sign face and sign structure supporting the face, not including the base, OR ANY OPEN SPACE.

11-6.7 Sign Support Structures. Signs 300 sq. ft. per face or larger must be constructed with a monopole -type support system.

11-7 SAFETY AND CONSTRUCTION STANDARDS

11-7.1 Engineering Approval. All signs in excess of 15 feet in height should be constructed according to plans approved by a Georgia registered professional engineer. The sign owner shall produce such approved plans at the request of Cook County Building Official.

11-7.2 Official Confusion. Signs which contain or are in imitation of an official traffic sign or signal are prohibited.

11-7.3 Fire Safety. No sign or sign structure may be erected or maintained which obstructs any fire escape, ventilation, or door; nor shall any sign or sign structure be attached to a fire escape.

11-7.4 Corner Visibility. No sign or sign structure above a height of three feet shall be maintained within 15 feet of the intersection of the right-of-way lines of two streets, or of a street intersection with a railroad right-of-way.

11-7.5 Traffic Visibility. No sign shall obstruct the view of vehicles entering the roadway (i.e., the view of oncoming traffic by vehicles attempting to enter the road).

11-7.6 Good Repair. All signs, together with all their supports, braces, guys, and anchors shall be kept in good repair. Any structure formally used as a sign, but not in use for any other purpose, must be removed by the owner of the property within ten (10) days after written notification from a designated official of Cook County or thirty (30) days after its use as a valid sign has ceased, after which time, the County may cause the removal of the sign at the owner's expense. (See Cook County Nuisance Ordinance § 3-6-7 Abatement by County - § 3-6-10 Payment of Costs.)

11-7.7 Removal of Unsafe Signs and Safety Hazards. The County may remove a sign in violation of this Ordinance, without giving notice to any party, if said sign is upon the public right-of-way or upon other public property; or said sign poses an immediate safety threat to the life or health of any members of the public.

11-8 PROHIBITED SIGNS

The following types of signs are prohibited:

11-8.1 Roof Signs (which means signs mounted above a roof or projecting above the roof-line of a structure).

11-8.2 Rotating signs.

11-8.3 Signs with more than two sides.

- 11-8.4** Changing copy, moving signs, or signs with moving parts. This includes animated signs involving motion or sound; fluttering ribbons; “trivision”-type signs; signs displaying moving pictures or images; LED signs or EVMC signs with content that changes more than once daily; signs with moving words; signs with waiving elements, whether motorized or wind-powered; or similar moving signs. This regulation shall not be construed to prohibit flags, which are regulated as other non-moving signs.
- 11-8.5** Flashing, blinking or signs of varying light intensity. Signs with reflective elements that sparkle in the sunlight or that contain luminous paint that glows in the dark are not allowed, including signs that spell words or create images with numerous small lights or other illumination.
- 11-8.6** A-frame, sandwich type, sidewalk or curb signs.
- 11-8.7** Swinging or projecting signs.
- 11-8.8** Portable signs (mobile, trailer).

11.9 PROCEDURES

11-9.1 Sign Registration and Building Permits

- (A) Except as specifically exempted from the provisions of this article, a person or firm may not legally maintain, post, display, enlarge, erect, move, or substantially change a sign that is larger than four (4) square feet, without first obtaining a permit from the Zoning Administrator or his/ her designee. Signs using electrical wiring and connections (i.e. illuminated signs), as well as larger signs, may require additional permits under the Cook County Building Code or Zoning Ordinance, and the Cook County Building Official should be contacted regarding such signs.
- (B) All parties are advised to consult with the Zoning Administrator to avoid erecting signs that violate this ordinance. No person shall obtain a vested right to maintain a sign that does not comply with this ordinance at the time it is erected. Signs erected in violation of this ordinance shall be removed or reconstructed in compliance with this ordinance.
- (C) Permit applications for conforming signs shall be filed by the sign owner or his/ her agent with the zoning administrator or his/ her designee upon forms furnished by the County. Flags flown in a manner consistent with the Table of Standard Permitted Signs are excluded from the permit requirement.
1. Applications shall contain the following:
 - (i) The type of the sign as defined in this ordinance.
 - (ii) The value of the sign.
 - (iii) The street address and zoning designation of the property where the sign is to be located.
 - (iv) A site plan drawn to scale, that shows the location of the sign on the lot,

including indicating setbacks from property lines and rights-of-way.

- (v) The square foot area per sign and the aggregate square foot area if there is more than one sign face.
 - (vi) The name(s) and address(s) of the owner(s) of the real property upon which the sign is to be located, along with written consent of said owner(s).
 - (vii) Engineered construction plans for signs exceeding 15 feet in height, showing they are approved by a registered Georgia professional engineer.
 - (viii) Name, address, phone number and business license number of the sign contractor.
2. Fees. No permit shall be issued until the appropriate application, has been filed with the zoning administrator or his/ her designee and permit fees have been paid as adopted by the Board of Commissioners and as amended from time to time.
 3. The zoning administrator or his/ her designee shall grant a permit upon receipt of a completed application if the proposed sign meets the requirements of this article.
 4. Permit expiration. A permit shall become null and void if construction of the sign has not begun within six (6) months from the date of issuance. Issuance of a permit shall in no way prevent the county from later declaring the sign to be nonconforming or unlawful if, with further review of available information, the sign is found not to comply with the requirements of the ordinance applicable at the time that the complete permit application was filed.
 5. A violation of any provisions of this article will be grounds for termination a permit granted by the county for the erection of a sign. Should it be determined that a permit was issued pursuant to an incomplete application or an application containing a false material statement, or that a permit has been erroneously issued in violation of this article, the zoning administrator or his/ her designee shall revoke the permit.

No information shall be required regarding the content of the sign.

Any person failing to obtain a permit prior to construction shall be subject to citation and, upon conviction, shall be punished in accordance with the enforcement provisions of the Cook County Zoning Ordinance and applicable law.

11.10 NON-CONFORMING SIGNS.

Signs existing legally at the time of the adoption or amendment of this ordinance, but which do not conform to newly adopted or amended provisions of this ordinance solely because of a change in the ordinance, and not because of a change to the sign, may remain as legal non-conforming signs, subject to the following provisions:

- (1) There must be existing property rights in the sign;
- (2) The right to continue a non-conforming sign is confined to the sign owner or his transferee;
- (3) A non-conforming sign may be restored to its original condition provided that not more than 50% of the sign is destroyed. The 50% is to be determined by 50% of the value of the materials of the sign, inclusive of poles and other structural members, immediately prior to damage;

- (4) A non-conforming sign when relocated or moved shall no longer be considered a non-conforming sign and thereafter shall be subject to all the provisions of law and of these Rules relating to outdoor advertising;
- (5) The sign must remain substantially the same as it was on the effective date of the adoption of this ordinance which rendered the sign non-conforming. Extension, enlargement, replacement, rebuilding, adding lights to a non-illuminated sign or re-erection of the sign will be considered a change in the existing use. The maintenance will be limited to:
 - (I) replacement of nuts and bolts;
 - (II) additional nailing, riveting or welding;
 - (III) cleaning and painting;
 - (IV) manipulate to level or plumb the device, but not to the extent of adding guys or struts for stabilization of the sign structure;
 - (V) a change of the message, including changing faces, as long as similar materials are used and the sign face is not enlarged.
- (6) At no time may changes be made in a non-conforming sign which would increase the value of the sign;
- (7) A non-conforming sign may continue as long as it is not abandoned, destroyed, discontinued, or purchased by any governmental agency. Any sign suffering damage in excess of normal wear cannot be repaired without:
 - (I) notifying the zoning administrator in writing of the extent of the damage, the reason the damage is in excess of normal wear, and providing a description of the repair work to be undertaken, *including the value of the sign materials and the cost of the repair*; and,
 - (II) receiving written notice from the zoning administrator authorizing the repair work as described above. If said *repair is authorized by the terms of this ordinance*, the zoning administrator shall mail such notice to the applicant within 30 days of receipt of the information described in (I) above.

SECTION 12

ADMINISTRATION, ENFORCEMENT, AND PENALTIES

12-1 Zoning Administrator. An administrative official designated as the Zoning Administrator by the Board of Commissioners, Cook County, Georgia, shall administer and enforce the provisions of this ordinance.

12-2 Building/Development Permit Required. A building/development permit, issued by the Zoning Administrator is required in advance of the initiation of construction, erection, moving, demolition, or alteration of any building or structure or sign. No building or sign permit shall be issued except in conformity with the provisions of this ordinance; however, a building permit issued before the adoption of this ordinance shall remain valid with the same qualifications as issued under this ordinance.

A building permit is required before the installation of a manufactured home in the unincorporated portion of Cook County; no building permit shall be issued for the installation of any manufactured home that is greater than fifteen years old on the date application is made for the issuance of the building permit.

12-3 Application for Building/Development Permit. All applications for building/development permits, shall be accompanied by two (2) site plans drawn to scale showing the actual dimensions of the lot to be built upon, the size and location of the lot, the number of dwelling units the building is designed to accommodate, the setback lines of the building on the "permit lot", the various easements on the lot and such other information as may be essential for determining whether the provisions of this ordinance are being observed. Applications shall also include construction documents (building plans) along with any other documentation required by the Building/ Zoning Administrator. The following is required on the site plan before the site plan is considered by the Zoning Administrator and any permits are approved (single family residential, duplexes and agricultural buildings, and their accessory uses are excluded from the following items except number 3 below):

1. Topography (MSL) existing and proposed
2. Drainage plans
3. Location and size of ingress/egress
4. Water mains and services, both existing and proposed
5. Water services as well as fire hydrants in the lot and the specific meter size and location.

Any building/development permit shall become void if the work involved has not begun within six (6) months after the date of issuance of the permit or if the work or development authorized by such permit is suspended or abandoned for a period of six (6) months after the work or development is commenced; provided that extensions of time and periods not exceeding six (6) months each may be allowed in writing by the Zoning Administrator. Any unapproved deviation from the site plan shall cause the Zoning Administrator to not issue a Certificate of Occupancy.

Toilet facilities shall be provided for construction workers, and such facilities shall be maintained in a sanitary condition, that conforms to ANSI Z43.

The applicant for a building permit shall submit a certificate with his application which certifies that the lot which he proposes to develop is a lot of record. When the lot in question does not meet the lot width and lot area requirements of this ordinance, then the applicant shall certify that such lot was a lot of record prior to the adoption of this ordinance or is a lot which has been created through governmental taking of property. In such case, the applicant shall file a copy of the recorded deed showing the date that the property was transferred and

the deed recorded, or, in the case of condemnation, the easement or order of taking and survey showing the date and scope of the taking.

All applications for a building/development permit shall be closely coordinated with Cook County's Soil and Sedimentation and Erosion Control Ordinance.

12-3.1 Coordination with Development of Regional Impact Requirements. The Georgia Department of Community Affairs, pursuant to the Georgia Planning Act, has established criteria for the identification of certain large scale developments which have the potential to cause land use impacts beyond the boundaries of the respective local government where a project might be proposed. These

developments, known as Developments of Regional Impact (DRIs), shall be submitted, based on established DCA standards, procedures, and format, to the South Georgia Regional Development Center (SGRDC) for review and recommendation prior to issuance of any local building or development permit or utility tap (does not apply to any activity reviewed under any earlier rezoning proposal). As such, these requirements establish an official delay in the local permitting process to allow for compliance with these requirements.

12-3.2 Coordination with Water Resource District Requirements. As identified in Section 10, Water Resource Districts, Cook County contains three identified water resources: Groundwater Recharge Areas, River Corridor Protection Areas, and Potential Wetlands Areas. The Groundwater Recharge Areas and Protected River Corridor segments are available as digital overlays, and the potential generalized wetlands areas are available as manual overlays. Prior to issuance of any local building/development permits, these data bases shall be checked, and if any are found applicable to the subject project or property, all requirements of Section 10, Water Resource District, shall be enforced as part of the permitting process.

12-3.3 Coordination with Flood Plain Management Requirements. Areas of potential flood hazards, as identified by the current Federal Emergency Management Agency Flood Hazard Study for Cook County are available as a digital overlay to Cook County's parcel data. The Cook County Zoning Administrator shall review all applications for building/development permits which proposes to develop properties which have been duly identified as having a flood hazard potential. These building/development permit applications shall be closely coordinated with Health Department staff and the County Engineer to insure compliance with all standards contained in the County's Flood Hazard Mitigation Ordinance. All submitted technical data, as well as any elevation certificates or flood proofing certificates shall be maintained as part of the building/development application and inspections files.

12-4 Penalties for Violation. In case any building or structure is erected, constructed, reconstructed, demolished, altered, repaired, moved, converted or maintained, or land is used in violation of this ordinance, the offender shall, upon conviction in Magistrate's Court, be punished in accordance with O.C.G.A. § 15-10-60, as it may be amended from time to time, for each offense. Each day of continued violation shall be considered a separate offense.

12-5 Enforcement: The Magistrate's Court of Cook County shall have jurisdiction over violators of this ordinance and all procedures for enforcement of such ordinance shall be as provided in Article 4, Chapter 10 of Title 15, Official Code of Georgia. Complaints of violations of any provision of this ordinance shall be brought before the Magistrate's Court by the Zoning Administrator or his designated representative and shall be prosecuted through that court.

12-6 Remedies. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure, or land is or is proposed to be used in violation of these regulations, the Zoning Administrator, County Attorney, or other appropriate county authority or any adjacent or neighboring property owner or occupant who would be damaged by such violation may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; or to correct or abate such violation, or to prevent the occupancy of said building, structure, or land.

12-7 Complaints Regarding Violations. When a violation of this resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof and shall be filed with the Zoning Administrator. He shall record properly such complaint, investigate within thirty (30) days and take action thereon as provided in these regulations.

12-8 Stop Work Order. A demolition, building, or sign permit shall be stopped by the Zoning Administrator when the method of demolition, construction, or use violates any provision contained in these regulations, or any state or local ordinance or resolution. Upon such work stoppage, any further work upon the demolition, construction, alteration, or repair on said building or structure, and any further use of said building or structure or land, shall be deemed a violation. Each and every day such unlawful demolition, construction, alteration, or repair on said building or structure, or further use of said building or structure or land continues shall be deemed a separate offense.

12-9 Certificate of Occupancy. Certificate of Occupancy shall be issued by the Zoning Administrator in accordance with the following provisions:

12-9.1 Certificate of Occupancy Required: A Certificate of Occupancy issued by the Zoning Administrator is required in advance of occupancy or use of:

- a. A building hereafter erected.
- b. A building hereafter altered so as to affect height, the side, front, or rear yard.
- c. Any building or premises where a change in the type of use will occur.

12-9.2 Issuance of Certificate of Occupancy: Upon payment of all required fees, the Zoning Administrator shall sign and issue a Certificate of Occupancy if the proposed use of land or building is found to conform to the applicable provisions of this ordinance, and if the building, as finally constructed, substantially complies with the sketch or plan submitted and approved for the building permit. One (1) copy of all Certificates of Occupancy issued which contain a statement of the intended use of the applicable property and other pertinent information, signed by the owner or his agent shall be kept on file in the office of the Zoning Administrator.

12-9.3 Denial of Certificate of Occupancy: A Certificate of Occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this ordinance, and substantially complies with the sketches or plans submitted for obtaining the building permit.

12-10 Reason for Denial of Permit. When a permit is denied, the Zoning Administrator shall provide in writing, upon request of the applicant for a permit, his reasons for denying the permit within ten (10) days after said request.

12-11 Permits and Licenses Void When Issued in Conflict. Any permit or license issued in conflict with the provisions of this resolution shall be null and void.

12-12 Appeals. Appeals from the decisions of the Zoning Administrator with regard to interpretation, administration, and enforcement shall be made to the Board of County Commissioners in accordance with the provisions of Section 13.

SECTION 13**BOARD OF APPEALS****13-1 Appeals.**

- 13-1.1** **Who May Appeal:** Appeals to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the governing authority affected by any decision of the Zoning Administrator. Such appeals shall be filed no later than thirty (30) days after the date of notification of the decision appealed from by filing with the Zoning Administrator, and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- 13-1.2** **Legal Proceedings Stayed:** An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Zoning Administrator, and on due cause shown.
- 13-1.3** **Presentation of Evidence:** The appellant, and any public agency or private individual shall be entitled to present evidence on matters before the Board, and said Board may request technical service, advice, data, or factual evidence from the Planning Advisory Commission and the governing authority for assistance in reaching decisions. The Board may request legal advice for particular matters.
- 13-1.4** **Extent of Board of Appeals' Power:** The Board may, in conformity with the provisions of these regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Zoning Administrator, and to that end shall have all the powers of the Zoning Administrator. The Board may direct the issuance of a permit. It shall be the duty of the Zoning Administrator to carry out the decisions of the Board.

13-2 Public Hearing.

- 13-2.1** **Notice of Hearing Shall Be Given:** Before making its decision on an administrative appeal, request for a variance, or any other matter within the Board's authority, said Board shall hold a public hearing thereon. At least fifteen (15) days but not more than 45 days notice of the time and place of such hearing shall be sent to the appellant or petitioner, to the Planning Advisory Commission, the Zoning Administrator. Such notice shall contain the name of the appellant or petitioner, the date, time, and place set for the hearing, and a brief statement of the nature of the hearing.
- 13-2.2** **Public Notice in Newspaper:** The Board shall give a public notice of the hearing in a newspaper published and circulated in Cook County, Georgia by advertisement published at least fifteen (15) days but not more than 45 days prior to the date of the public hearing.

13-2.3 Who May Appear: Any party may appear at the public hearing in person or by agent or by attorney.

13-2.4 Time Limit on Board's Decision: The Board shall reach a decision following a public hearing within thirty (30) days.

13-3 Powers and Duties.

13-3.1 Appeals from Actions of the Zoning Administrator: The Board shall hear and decide upon appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of these regulations.

13-3.2 Request for a Variance: The Board may authorize upon appeal in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of provisions of these regulations will, in an individual case, result in unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. Provided, however, that a variance shall not be granted for a use of land or building or structure that is prohibited by this ordinance in the district in question. Such variance may be granted in an individual case upon finding by the board that all of the following exists:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; and
- b. the application of these regulations to this particular piece of property would create an unnecessary hardship; and,
- c. such conditions are peculiar to the particular piece of property involved; and,
- d. relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided that no variance may be granted for a use of land, building or structure that is prohibited by this ordinance. Applications for use variances shall not be accepted by the Zoning Administrator. Such requests shall be properly filed as requests for rezoning, the authority for such rezoning of property being solely reserved for the Cook County Commission.
- e. Provided that the Board of Appeals may impose or require such additional restrictions and standards (i.e., increased setbacks, buffer strips, screening, etc.) as may be necessary to protect the health and safety of residents and workers in the community, and to protect the value and use of property in the general neighborhood. Provided, that whenever the Board of Appeals shall find, in the case of any permit granted pursuant to the provisions of these regulations that any of the terms, conditions or restrictions upon which such permit was granted are not being complied with, said Board shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for public hearing.

- 13-3.3 Request for Extension of Non-Conforming Residential Uses:** The Board may authorize upon appeal in specific cases an extension or replacement of an existing non-conforming residential use which the Board is specifically authorized to pass on under the terms of this ordinance. Said extension may be granted in an individual case upon finding by the Board that:
- a. The use is a non-conforming use as defined in these regulations; and
 - b. the use is in full compliance with all requirements of these regulations applicable to non-conforming uses; and
 - c. the extension of said use will not further injure a permitted use on adjacent property in the same district.
 - d. This section is specifically designed to allow for the replacement of homeowner occupied residential units in areas no longer zoned for residential uses. As such, this provision is not subject to the limits of Section 8-5.

- 13-3.4 Medical Hardship.** In cases of physician documented medical need, the Board is further authorized to permit the siting of a manufactured home as a guest or servant's quarters to accommodate an on-site care provider or patient. Such approval shall be patient and provider specific, and such use shall be terminated within 120 days of the end of the need for a caretaker. All Health Department siting and health standards shall be met.

13-4 Forms. Appeals from actions of the Zoning Administrator, requests for variances, and requests for extension of a non-conforming residential uses shall be made on forms provided for such purposes. All information required on said forms shall be provided by the applicant. Forms shall be filed with the Zoning Administrator, and the applicant shall pay Cook County for expenses incidental to the appeal. No form shall be accepted by the Zoning Administrator unless it contains all pertinent information and is accompanied by the required fee of a fee to defray expenses as set from time to time by the County Commission.

SECTION 14

AMENDMENT

14-1 General Conditions. These regulations, including the official zoning maps, may be amended by the Board of Commissioners on their own motion, on petition of a property owner or his duly authorized agent, or on recommendation of the Planning Advisory Commission, but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the Planning Advisory Commission for review and recommendation. Before enacting an amendment to these regulations, the governing authority shall give public notice and hold a public hearing thereon as set forth in this section.

- 14-1.1 Establishment of Comprehensive Plan.** The 2015 Greater Cook Comprehensive Plan, as duly amended, is established as official policy of Cook County. As such, the goals and policies of the Plan, and the resultant Future Land Use Plan, shall serve as the guide under which the unincorporated areas of the county are divided into zoning districts. The recommendations of the Plan are hereby established as official policy of the county, and shall receive due consideration in all requests as reflected in Section 14-2.9(e) Standards for Exercise of Zoning Power.
- 14-1.2 Limited Use Provision.** The Cook County Board of Commissioners establish the “Limited Use” provision for the purpose of allowing an applicant to request that a certain area be designated as a limited use. In some areas of the county, a specific land use activity out of a general zoning classification may have less community impact than some of the possibilities of use in that specific zoning district. For this reason, an applicant may request in his rezoning petition to limit the use of a proposed property to a specified use only (for example, R-C LU - Rural Commercial District limited to a bait and tackle store), the Planning Commission may recommend a Limited Use rezoning, or the County Commission may grant a Limited Use rezoning. The requested limited use must be among the uses permitted in the zoning district classification for which the limited use is requested. Alteration or change of an approved limited use shall be treated as any normal zoning amendment.
- 14-1.3 Special Conditions Limitations.** An applicant may file site plans, renderings, construction specifications, written development restrictions and other site planning or development conditions which the applicant proposes, the Planning Commission recommends, or the County Commission grants as binding conditions upon the development and use of the property involved in the application. Should the application be approved with these conditions, any alteration or change of a special conditions limitation shall be treated as any normal zoning amendment.
- 14-1.4 Rezoning for classification other than that requested.** When considering a rezoning application, the Board of Commissioners may rezone the subject property to a classification other than that requested by the applicant, either upon the recommendation of the Planning Advisory Commissioner, or upon its own motion, with or without the consent of the property owner, whenever it finds that the property should be rezoned, but that the classification sought by the applicant would not serve the best interests of the County, in light of the standards for exercise of zoning powers.

14-2 Application for Amendment.

- 14-2.1 General:** Applications for amendment of these regulations may be in the form of proposals for amendment of the text of these regulations, proposals for amendment of

the zoning maps or requests for Special Exception approval. Applications for amendment shall be submitted to the Zoning Administrator and shall include a fee payable to the county to defray expenses as set from time to time by the County Commission. No application for a zoning change affecting the same parcel of property or part thereof shall be accepted by the Zoning Administrator until the expiration of at least 90 days immediately following the defeat of the rezoning request by the Cook County Commission.

- 14-2.2 Signature of Applicant Required:** All applications shall be signed by the applicant, and shall state his name and address.
- 14-2.3 Application for Text Amendment:** In the case of a text amendment, the application shall set forth the new text to be added and the existing text to be deleted.
- 14-2.4 Application for Map Amendment:** An application for a map amendment shall include the following information:
- a. The community or area in which is located the land proposed to be reclassified and the street number, if any, or if none, the location with respect to the nearby public roads in common use;
 - b. a plat of the land in question, and a description by metes and bounds, bearings, and distances of the land, or if the boundaries conform to the lot boundaries within a subdivision for which a plat is recorded in the land records of the County; then the lot, block, and subdivision designations with appropriate plat reference; or the map and parcel number according to the current tax mapping system of Cook County;
 - c. the present zoning classification and the classification proposed for such land;
 - d. the name and address of the owners of the land; and the names and addresses of abutting property owners.
 - e. the area of the land proposed to be reclassified stated in square feet if less than one (1) acre, and in acres if one (1) or more;
 - f. the application number, date of application, and action taken on all prior applications filed for the reclassification of the whole or part of the land proposed to be reclassified.
- 14-2.5 Application for Special Exception Approval:** An application for a Special Exception approval shall include the following:
- a. The community or area in which is located the land proposed to be reclassified and the street number, if any, or if none, the location with respect to the nearby public roads in common use;
 - b. a plat of the land in question, and a description by metes and bounds, bearings, and distances of the land, or if the boundaries conform to the lot boundaries within a subdivision for which a plat is recorded in the land records of the County; then the lot, block, and subdivision designations with appropriate plat

reference; or the map and parcel number according to the current tax mapping system of Cook County;

- c. The present zoning classification and the proposed Special Exception usage proposed for the subject property.
- d. The names and address of the owners of the land, and the names and addresses of abutting property owners.
- e. the area of the land proposed to be reclassified stated in square feet if less than one (1) acre, and in acres if one (1) or more;
- f. The application number, date of application, and action taken on all prior applications filed for the rezoning or Special Exception use of the whole or part of the land proposed for Special Exception use.

14-2.6

Campaign Contributions: If applicant has made, within two (2) years immediately preceding the filing of the applicant's application for a zoning amendment, campaign contributions aggregating \$250 or more to any member of the Cook County Commission or any member of the Greater Cook Planning Advisory Commission, it shall be the duty of the applicant and the attorney representing the applicant to disclose the following in the application:

1. The name of the local government official to whom the campaign contribution or gift was made;
2. The dollar amount of each campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of the application for the map amendment and the date of each contribution; and
3. An enumeration and description of each gift having a value of \$250 or more made by the applicant to the local government official during the two (2) years immediately preceding the filing of the application for the zoning amendment.
4. In the event that no such gift or contributions were made, the application shall affirmatively so state.

14-2.7

Developments of Regional Impact. The Georgia Department of Community Affairs, pursuant to the Georgia Planning Act, has establish criteria for the identification of certain large scale developments which have the potential to cause land use impacts beyond the boundaries of the respective local government where a project might be proposed. These developments, known as Developments of Regional Impact (DRIs), shall be submitted, based on established DCA standards, procedures, and format, to the South Georgia Regional Development Center (SGRDC) for review and recommendation prior to any Planning Advisory Commission or Cook County Commission action. As such, these requirements establish an official delay in the local amendment process to allow for compliance with these requirements.

14-2.8

Referral to Planning Advisory Commission: Within five (5) days after the routine monthly application acceptance deadline, the Zoning Administrator shall transmit a copy of the completed application to applicable local staff members for review and

recommendation. The Zoning Administrator shall coordinate this local review process with the County's planning staff and/or planning consultant to prepare a written staff report on all matters brought before the Planning Advisory Commission and County Commission. The Planning Advisory Commission shall review each application for consistency with the adopted local Comprehensive Plan, and the adopted standards for exercise of the zoning powers. The staff report and Planning Advisory Commission recommendations shall be made at a public hearing and then be transmitted to the County Commissioners. The Planning Advisory Commission shall have thirty (30) days within which to submit a report to the County Commissioners. If the Planning Advisory Commission fails to submit a report within thirty (30) days, it shall be deemed to have recommended denial of the requested amendment.

- a. **Posting of Property:** Not less than fifteen (15) days prior to the date set for the public hearing on any application for a map or Special Exception amendment (other than a map or Special Exception amendment initiated by the Planning Advisory Commission or the County Commission), the Zoning Administrator shall erect a sign on the land proposed to be reclassified. Such sign shall be erected by the Zoning Administrator within (10) feet of whatever boundary line of such land abuts the most traveled public road; and, if no public road abuts thereon, then such sign shall be erected to face in such a manner as may be most readily seen by the public. The sign shall show the application number, the present zoning classification, the proposed zoning classification or Special Exception use, the scheduled date, time, and place of public hearing, and the telephone number to call for further information. If the land sought to be reclassified lies within more than one (1) block as shown on a plat recorded in the land records of the County, then a sign shall be erected on the land in each such block.
- b. **Removal of Sign:** Any such sign shall be maintained at all times by the Zoning Administrator until a decision on the application has been made by the County Commissioners.

14-2.9 Hearing Procedures:

- a. **Hearing Called:** Before taking action on a proposed zoning amendment, the Board of Commissioners shall hold a public hearing thereon. At least fifteen (15) but not more than forty-five (45) days prior to the date of the public hearing notice of the time, place, and purpose of said hearing shall be published in a newspaper of general circulation within Cook County, Georgia. Such notice shall also state the application number and date, and shall contain a summary of the proposed amendment, if a text amendment, and in the case of a map amendment, the location of the property, its area, the name of the owner or their authorized agent, and the present and proposed zoning classification or Special Exception use for the property affected.

Further, such advertisement shall advise the public pursuant to O.C.G.A. 36-67A-3 that any opponent of a proposed rezoning action who has made campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application within two (2) years of the

date of the application shall be required to file a disclosure with the governing authority of the respective local government showing: (1) The name and official position of the local government official to whom campaign contributions were made; and (2) the dollar amount and description of each campaign contribution made by the opponent to the local government official during the two (2) years immediately preceding the filing of the application for the proposed rezoning action and the date of each contribution. Such disclosure shall be required to be filed at least five (5) calendar days prior to the scheduled hearing.

- b. Notice to Interested Parties:** A notice shall be given to the applicant and the Planning Advisory Commission of the date, time, and place of the public hearing. All application files shall be placed in the custody of the Zoning Administrator and be open to public inspection during regular office hours.
- c. Letters:** As to an application to amend the Official Zoning Map(s) or a Special Exception request, the Zoning Administrator shall send letters to abutting property owners at least fifteen (15) days and no more than forty-five (45) days in advance of the Public Hearing before the County Commission. Letters shall include information as to the application and date, time, and place of the public hearing. Letters mailed to the mailing address of the property owner as shown by the records of the Cook County Tax Assessor's office shall constitute notice to the abutting property owners, said list of property owners shall be supplied by the applicant.
- d. Public Hearing Procedure:** All public hearings on zoning matters shall be placed on the County Commission agenda under a section entitled "Public Hearings". The County Commission Chairman, or his designee, shall officially declare the public hearing open and shall note that Cook County's written Public Hearing Procedures, Cook County's Standards for Exercise of Zoning Powers, and a copy of Georgia's Conflict of Interest Law are available to the attending public as a handout and are posted for public review.

The Zoning Administrator and/or designee shall then announce the matter for consideration. The Chairman shall then call for acknowledgment of a potential conflict of interest by members of the Commission. (See Subsection 14-2.9h) The Zoning Administrator will then report the staff recommendation and the recommendation of the Greater Cook Planning Advisory Commission. The Chairman shall then allow public input. General procedures to be followed will require citizen comments to be heard in an orderly fashion. Citizens speaking in favor of the request shall be heard first, followed by those opposed to the issue. All speakers will be asked to provide his or her name and address for the public record. Citizens are requested to keep their comments as brief as possible so that all who wish to be heard will have adequate time. Where there are a large number of citizens wishing to testify at a given hearing, the presiding officer may invoke reasonable time limitations on both the proponents and opponents of a request. In such cases, these time limits shall apply to both sides of an issue equally, such minimum time period to be no less than ten minutes per side. Citizens shall address their comments to the County Commission as a whole. Individual attacks or cross examination of Commission members, county employees or other citizens will be ruled out of order. The Commission retains the privilege to ask any questions of staff or any citizen present for clarification. The Commission also retains the right to reopen the public hearing if a Commissioner has a question for the applicant or other speaker.

After all citizen comments have been received, all further discussion of the specific application is reserved for the County Commission. The Chairman shall then declare the public hearing closed and no further public comment will be entertained. The County Commission will then render a decision on the application. So that the purpose of this Ordinance will be served, health, public safety, and general welfare secured, the County Commission may approve the application, reduce the land area for which the application is made, change the district requested, add or delete conditions of the application, deny an application, or defer consideration of an application to acquire additional information. An action by the Commission to defer the application shall include a statement of the date and time of the next meeting at which the application will be considered, which statement shall constitute public notice of the hearing on the application and no further notice, is required. **IN THE CASE OF TABLING OF A MATTER, NO FURTHER PUBLIC COMMENTS WILL BE ENTERTAINED UPON FURTHER CONSIDERATION OF THE MATTER.**

When, in the opinion of the County Commission, the official public hearing has brought forth substantial new evidence or testimony not available to the Greater Cook Planning Advisory Commission at the time of their review of a zoning matter, or should the Commission desire to request further study by the Planning Advisory Commission of a particular aspect of an application, it shall be the policy of the Commission to table the issue and request that the Planning Advisory Commission restudy the issue and affirm or amend its recommendation, which action shall be reported to the County Commission prior to making a final decision.

- e. **Standards for Exercise of Zoning Powers:** In order to promote the public health, safety, and general welfare of Cook County against the unrestricted use of property, the following standards, and other factors relevant to balancing the above stated public interests shall be considered as they apply to any application brought before the Planning Advisory Commission or the County Commission for a zoning decision:
1. Is the proposed zoning or use suitable in view of the zoning and development of adjacent and nearby property?
 2. Does the request represent the possible creation of an isolated district unrelated to adjacent and nearby districts and will the proposed use adversely affect the existing use or usability of adjacent or nearby property?
 3. Will the proposed use cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water, sewer, or other public utilities, including police and fire protection?
 4. Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or is the proposed use compatible and consistent with the purpose and intent of the Comprehensive Plan?

5. Will the proposed change adversely influence existing conditions in the neighborhood or the city or county at large and are there substantial reasons why the property cannot or should not be used as currently zoned?
 6. Are there potential adverse impacts on the environment, including but not limited to drainage, soil erosion and sedimentation, flooding, air quality, and water quality and quantity?
 7. Are the costs required of the public in providing, improving, increasing or maintaining public utilities, schools, streets and public safety necessities reasonable when considering the proposed changes?
 8. Will the proposed change be detrimental to the value or improvement of development of adjacent or nearby property in accordance with existing requirements and development standards?
 9. Is the proposed change out of scale with the needs of the neighborhood or Cook County or does the request reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?
 10. Will the proposed change constitute a grant of special privilege to the individual owner as contrasted with the adjacent or nearby neighborhood or with the general public?
- f. Standards for Special Exception Review:** In addition to the standards enumerated in subsection (e) above, the following additional standards shall be considered for Special Exception requests:
1. Is the type of street providing access to the use adequate to serve the proposed Special Exception use?
 2. Is access into and out of the property adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and to allow access by emergency vehicles?
 3. Are public facilities such as schools, water, sewer or other public utilities and police and fire protection adequate to serve the proposed Special Exception use?
 4. Are refuse, service parking and loading areas on the property located or screened to protect other properties in the area from such adverse effects as noise, light glare and other negative impacts?
 5. Will the hours and manner of operation of the Special Exception use have no adverse impacts on other properties in the area?

6. Will the height, size or location of the buildings or other structures on the property be compatible with the height, size or location of buildings or other structures on neighboring properties?

7. Provided, that the County Commission may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood-

8. Further provided that the Commission may limit any special exception approval to a specific period of time or duration.

g. Public Hearings Records Standards: The County Clerk shall mechanically record the proceedings of all zoning public hearings. If requested by any party, verbatim transcripts of the public hearing can be prepared, but only if requested and purchased in advance by the requesting party, who must arrange at his expense for a certified court reporter to record and transcribe the hearing and furnish the original of the transcript to the commission for its records. The record of the public hearing and all evidence (e.g., maps, drawings, traffic studies, etc.) submitted at the public hearing shall be noted as such and shall become a permanent part of the particular zoning amendment's file.

h. Conflict of Interest and Disclosure Rules: Any Cook County Commissioner or Planning Advisory Commission member shall refrain from discussion of or voting upon any matter where the following exist:

1. Has any direct ownership in any real property to be affected by a rezoning action under consideration by Cook County Government;
2. Has a ten percent (10%) or more direct ownership interest in the total assets or capital stock in any business entity which has any direct ownership in any real property affected by a rezoning action under consideration by Cook County Government; or
3. Has a spouse, parent, sibling or child with any interest as described in previous 1 and 2, shall disclose the nature and extent of such interest, in writing, to the Cook County Commission as soon as he or she knows of its existence. Such an official, which shall include members of the County Commission, or Planning Advisory Commission also shall disqualify himself/herself from voting on the rezoning action and shall not take any other action on behalf of himself or herself or anyone else to influence action on the rezoning action. Any written disclosures made pursuant to this section which result in the inability of the County Commission to obtain a quorum for the purpose of making a final decision when considering a rezoning action, the County Commission shall initiate the special master process set forth in O.C.G.A. s36-67a-5, as amended. Moreover, questions of interpretation as to the application of this statute should be resolved by reference to the Georgia state law governing campaign contribution disclosures, O.C.G.A. s36-67-1 et seq., as amended.

SECTION 15

**DUTIES OF ZONING ADMINISTRATOR, BOARD OF APPEALS,
COUNTY COMMISSION AND COURTS ON MATTERS OF APPEAL**

15-1 Zoning Administrator. It is the intent of these regulations that the Zoning Administrator be chiefly responsible, with due assistance from the County Attorney, for all questions of interpretation of these regulations. The Zoning Administrator shall also be responsible for the enforcement of these regulations and shall:

- a) Serve as administrative secretary to the Planning Advisory Commission.
- b) Maintain public records concerning the administration of the Zoning Ordinance, including all maps, amendments, Certificates of Zoning Compliance, Special Uses, Variances, and records of public hearings.
- c) Collect data and keep informed as to the best zoning practices in order to be qualified to make recommendations to the Planning Advisory Commission, all of which must be approved by the County Commission.
- d) Undertake other relevant duties as may be delegated by the County Commission.

15-2 The Board of County Commissioners shall review questions on interpretation from the decision of the Zoning Administrator, and recourse from all decisions of the Board shall be to the courts as provided by law.

15-3 County Commission. It is further the intent of these regulations that the duties of the County Commission shall be to adopt or reject proposed amendments to these regulations as detailed in Section 14. Matters of non-enforcement of this ordinance may be brought to the County Commission's attention by aggrieved parties. Corrections to problems of non-enforcement shall be handled by the Board of Commissioners. Recourse from all decisions of the County Commission shall be to the courts as provided by law.

SECTION 16

LEGAL STATUS PROVISIONS

16-1 Repealer. This Ordinance replaces all prior zoning ordinances of Cook County. In the event all of this Ordinance is struck down as void, unconstitutional or invalid, including therefore this provision, the zoning ordinance existing immediately prior to this ordinance shall be considered to not have been repealed, and shall therefore still be in effect.

SECTION 17

ORDINANCES NOT IN THE ZONING ORDINANCE

17-1 Priority. Whenever the provisions of any other statute or ordinance require more restrictive standards than are required by this Ordinance, the provisions of such statute or ordinance shall govern.

17-2 Separability. If any section, clause, portion or provision of this ordinance is found unconstitutional, such invalidity shall not affect any other portion of this ordinance.

17-3 Effective Date. This ordinance shall take effect and be enforced from and after its adoption and passage by the County Commission.

July 17, 2006

Date of Adoption

S/ Jeffery Lane

Chairman, Cook County Board of
Commissioners

S/ Vicki Parrish

County Clerk, Cook County, Georgia

(SEAL)