

RESOLUTION AMENDING THE ZONING ORDINANCE
OF MADISON COUNTY, GEORGIA

For the purpose of promoting the health, safety, and general welfare of the present and future inhabitants of Madison County and to further the purposes of the Madison County Zoning Ordinance as set forth therein, the Board of Commissioners of Madison County does hereby ordain and enact into law the following changes to the Zoning Ordinance.

Section 7.12.1 and Section 7.14.1, Definitions: is to be deleted and these definitions from those section are to be added to Article III Definition of Terms;

ANIMAL HOSPITAL: Facility that is operated by a licensed veterinarian for the treatment and short term boarding of domestic animals; such as dogs and cats.

ART STUDIO: A work space for artists, including individuals practicing in one of the fine arts such as painting and pottery.

ASSISTED LIVING: Assisted living residences or assisted living facilities are housing facilities for people with disabilities. These facilities provide supervision or assistance with activities of daily living coordination of services by outside health care providers; and monitoring of resident activities to help to ensure their health, safety, and well-being.

Assistance may include the administration or supervision of medication, or personal care services provided by a trained staff person.

ATTACHED RESIDENTIAL: A single family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally as a linear arrangement, such as rowhouses, townhouses, and brownstones. There would be no association fee due.

AUDITORIUM: A structure designed for the public as an audience for events such as plays and concerts.

BUFFER, UNDISTURBED: A natural vegetated area located adjacent to a reservoir or perennial stream.

BUILDING SETBACK: A line, parallel to the street line, beyond which the foundation wall, any roofed porch, vestibule, or other such portion of a building shall not project.

CATERING SERVICE: A service housed in a permanent structure providing meals or refreshments off premises for public or private entertainment for a fee.

CERTIFICATE OF OCCUPANCY: A permit issued by the County Building Inspection allowing the building to be occupied, it has met all the requirements stated in this ordinance and the build code adopted by Madison County.

CODE ENFORCEMENT OFFICER: The officer authorized by Madison County Board of Commissioners to enforce and administer this and the county's code ordinance.

CORRIDOR: All land within the buffer areas established adjacent to reservoirs or perennial stream or river.

COUNTRY CLUB: A social and recreational facility that is usually private or semi-private. This could have a golf course, restaurant, swimming pool and tennis courts.

DAYCARE, HOME: See “Family Day-Care Home”.

DETACHED RESIDENTIAL: A site built home that meets local building codes, that contains one dwelling unit per lot and designed for residential use.

DEVELOPMENT: A planned construction project on a single parcel.

DEVELOPMENT PERMIT: Approval from the Planning and Zoning Department of all zoning requirements, preliminary and final plat approval, and building permit from Building Inspection.

ENGINEER: A registered, professional engineer licensed by the state of Georgia.

FUNERAL HOME AND CHAPEL: A building where a deceased person is prepared for viewing and burial.

GAME BIRDS: These are birds mostly used for hunting, such as Quails, Snipes, Waterfowl, Duck, Goose, Dove, Wild turkey, geese, and Pheasant.

GAS STATION: A place which sells gasoline to pump directly into a car or into a container.

GROUNDWATER: Any stratum (rock layer) or zone of rock beneath the surface of the Earth capable of containing or producing water from a well.

GROUNDWATER RECHARGE AREA: An area of the Earth’s surface where water infiltrates the ground thereby replenishing the groundwater supplies within a groundwater recharge area.

GUN CLUB: Any group of individuals which is organized for the purpose of providing a firing range for individuals to discharge firearms or to practice marksmanship or other skills involving the discharging of guns, shotguns, pistols, rifles, and other firearms, in a location which is out doors or within a firing range indoors.

HAZARDOUS MATERIAL: Any contaminant as defined by this ordinance or EPD, or EPA, and any hazardous chemical for which a material safety data sheet must be filed un 42 USC 11021 and 11022.

HAZARDOUS WASTE: Any solid waste which has been defined as a Hazardous Waste in regulation promulgated by the administrator of the U.S. EPA according to federal act(s) which is (are) in force and effect as 40 CFR 261.3.

LAND DISTURBING ACTIVITY: Grading, scraping, or clearing of 1 acre or more.

NATURAL VEGETATED AREA: Where naturally occurring vegetation is allowed to remain undisturbed or is enhanced and maintained by human intervention.

PARKS AND PLAYGROUNDS: Neighborhood space, that is primarily unpaved, that may include playground with play equipment for children. There could also be picnic area, trails, and pond with fishing.

PERENNIAL STREAM: A creek, branch, or spring that flows continuously throughout the year.

POULTRY: Chicken and Turkey.

RIVER BANK: The ground next to the river that contains the river to its natural flow.

RIVER, PERENNIAL: A river or part of a river that flows continuously throughout the year.

RIVER, PROTECTED: Any perennial river or water course with an average annual flow of at least 400 cubic feet per second as determined by appropriate U.S. Geological Survey documents. This would be the Broad River, South Broad River, and the Hudson River.

RIVER SETBACK: The building distance from the river bank to a building line. This would be 100' from the river bank. See Section 7.12.7

PRESCHOOL: A facility providing day care with educational services for children not yet attending elementary school.

RECREATIONAL FACILITY: Serves the public for recreational purposes, may include pool, playground, motocross, tennis, and ball fields. Included can be a clubhouse or refreshment stand with bathroom and bath house.

RETAIL: A store that sells goods to the public for consumer or household use.

SIGNS: See Section 10.

SURVEYOR: A person licensed by the State of Georgia to survey land.

CONTAMINANT: Any "regulated substance," as defined by the federal Resource Conservation and Recovery Act, as in effect on the date of passage of this ordinance and as amended from time to time, and all petroleum products, including gasoline, oil, waste oils, and other fuels as well as their hazardous constituents.

HAZARDOUS MATERIAL: Any "contaminant" as defined in this ordinance, and any hazardous chemical for which a material safety data sheet must be filed under 42 USC 11021 and 11022.

HAZARDOUS WASTE: Any solid waste which has been defined as a hazardous waste in regulations, promulgated by the administrator of the United States Environmental Protection Agency according to federal act, which are in force and effect on February 1, 1988, codified as 40 CFR §261.3.

LAND-DISTURBING ACTIVITY: Any grading, scraping, excavating, or filling of land; clearing of vegetation; and any construction, rebuilding, or alteration of a structure. Land-disturbing activity shall not include activities such as ordinary maintenance and landscaping operations, individual home gardens, yard and grounds upkeep, repairs, additions or minor modifications to a single-family dwelling, or the cutting of firewood for personal use.

LAND USES EXISTING PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE: Any land use or land-disturbing activity, including all human endeavors directly associated with such use or activity, which falls within one of the following categories prior to the effective date of this ordinance:

- a. is completed;
- b. is under construction;
- c. is fully approved by Madison County;
- d. all materials have been submitted for approval by Madison County; or
- e. is zoned for such use and expenditures in excess of \$2,500.00 have been made in preparation for construction in accordance with such zoning.

NATURAL VEGETATIVE BUFFER or BUFFER AREA: 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.

PERENNIAL RIVER: A river or section of a river that flows continuously throughout the year.

PERSON: Any individual, group of individuals, association, firm, partnership, corporation, trust, estate, organization, or legal entity of any kind, including municipal corporations, government agencies, or subdivisions thereof.

PROTECTED RIVER: Any perennial river or watercourse with an average annual flow of at least four hundred (400) cubic feet per second as determined by appropriate U.S. Geological Survey documents. In Madison County, protected rivers are the Hudson River below Nails Creek and the Broad River.

RIVER BANK: The rising ground, bordering a river, which serves to confine the water to the natural channel during the normal course of flow.

RIVER CORRIDOR: All land, including islands, not regulated under the Metropolitan River Protection Act, *O.C.G.A.* §12-5-440 et seq., or the Coastal Marshland Protection Act, *O.C.G.A.* §12-5-280 through 12-293, in areas of a protected river and being within one hundred (100) feet horizontally on both sides of the river as measured from the river banks.

The one hundred (100) ft. buffer shall be measured horizontally from the uppermost part of the riverbank, usually marked by a break in slope. Although not within the measured one hundred (100) ft. wide buffer, the area between the top of the bank and the edge of the river shall be treated by local governments in the same manner as the river corridor.

Because stream channels move due to natural processes such as meandering, riverbank erosion, and jumping of channels, the river corridor may shift with time. For the purpose of this ordinance, the river corridor shall be considered to be fixed at its position at the beginning of each review period for the local comprehensive plan as established by the Georgia Department of Community Affairs. Any shift in the location of the protected river after the start of the review period will require a revision of the boundaries of the river corridor at the time of the next review by the Georgia Department of Community Affairs.

RIVER CORRIDOR PROTECTION PLAN: That part of the Madison County Comprehensive Plan that deals with river corridor protection as required by the Georgia Planning Act of 1989.

SENSITIVE NATURAL AREA: Any area, as identified now or hereafter by the Department of Natural Resources, which contains one or more of the following:

- a. habitat, including nesting sites, occupied by rare or endangered species;
- b. rare or exemplary natural communities;
- c. significant landforms, hydroforms, or geological features; or
- d. other areas so designated by the Department of Natural Resources; and which is sensitive or vulnerable to physical or biological alteration.

SIDE YARD: The space from the end of the building to the side property line.

SINGLE-FAMILY DWELLING: A dwelling structure that is designed for use by one family.

SURFACE MINING: Any activity constituting all or part of a process for the removal of minerals, ores, and dimension stone, and other solid matter for sale or for processing or for consumption in the regular operation of a business.

SWIMMING POOL PRIVATE: A swimming pool where access is restricted to the owner of the property and their guest, or is privately owned and has memberships.

SWIMMING POOL, PUBLIC: A swimming pool the public has access too.

UTILITY: Public or private could be water and sewer system, power lines, pipelines, gas lines, telephone lines, cable lines, railroads, roads, bridges, or storm water systems.

VENDING MACHINE: A coin operated machine that dispenses a product.

VETERINARY CLINIC OR HOSPITAL: Facility for the treatment of animals, operated by a licensed veterinarian, with short term care and boarding.

WAREHOUSE: Storage for wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive.

WETLAND: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstance does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. Wetlands generally include swamps, marshes, and similar areas.

WETLAND DELINEATION: The establishment of wetland boundaries by a representative of the U. S. Army Corps of Engineers or an authority designated by the Corps.

WHOLESALE ESTABLISHMENT WITH OR WITHOUT A WAREHOUSE: A business primarily selling and or distributing merchandise to retailers, to industrial, commercial, institutional, or to other wholesalers.

The provisions of this resolution shall be effective upon approval by the Madison County Board of Commissioners.

Approved by the Madison County Board of Commissioners on the _____ day of _____, 2013

BOARD OF COMMISSIONERS, MADISON COUNTY, GEORGIA

By: _____

Anthony Dove, Chairman

ATTEST:

Rhonda Wooten, County Clerk