

**RESOLUTION AMENDING ZONING ORDINANCE  
MADISON COUNTY, GEORGIA**

WHEREAS, the Madison County Board of Commissioners (herein "Board") deems it proper and necessary for the health, welfare, and safety of the citizens of Madison County to amend certain provisions of its Zoning Ordinance (the "Ordinance"); and

WHEREAS, all procedural and substantive requirements of state law and local ordinance pertaining to amendments to the Ordinance have been met;

NOW, THEREFORE, this Resolution (herein "Resolution") is adopted as follows:

1. The first paragraph of section 9.5.1 of the Ordinance is hereby amended as follows (additions are underlined and deletions are stricken through):

"The conduct of business in residential units may be permitted under the provisions of this section. It is the intent of the section to ensure the compatibility of residential home occupations with other uses permitted in the R-1, R-2, and R-3 ~~and RR~~ districts, maintain and preserve the residential character of the area, and not create a nuisance for residents in the area by excessive traffic, smoke, noise or be a fire hazard."

2. The text of Section 9.5.2 of the Ordinance is hereby amended to read, in its entirety, as follows (additions are underlined and deletions are stricken through):

"Rural home occupations in the rural and agricultural districts may be permitted under the provisions of this section. It is the intent of the section to ensure the compatibility of rural home occupations with other uses permitted in the A-1, ~~and~~ A-2, and RR districts; maintain and preserve the agricultural or rural character of the area and not create a nuisance for residents in the area by excessive traffic, smoke, noise or be a fire hazard.

The purpose of rural home occupations is to provide a means for residents in the ~~larger lot~~ agricultural and rural districts to participate in the type of businesses permitted in residential and business districts, be able to conduct the home occupation in an accessory building ~~where necessary~~, and to park, on-site, vehicles required for the home occupation.

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

~~9.5.2. The minimum lot size is five (5) acres. For lots less than five (5) acres, the home occupation is limited to the provision of section 9.5.1.~~

9.5.2.2 1 The home occupation business shall be carried on within the residence and/or within a structure accessory to the residence.

~~9.5.2.3 The rural home occupation must be clearly subordinate to the principal use of the parcel for dwelling and agricultural purposes. For the purposes of this regulation, a rural home occupation shall be considered secondary if it~~

~~occupies either:~~

- ~~1) Less than 50% of the total square footage of the home, or~~
- ~~2) an accessory structure, such as a garage, provided that the total square footage of the accessory structure occupied by the rural home occupation remains less than 50% of the total square footage of the home.~~

~~9.5.2.4 — Other than the presence of trade vehicles and the sign(s) permitted under Article X, there shall be no exterior display nor any other exterior indication of the home occupation, nor shall there be any variation from the primarily residential or agricultural character of the principal or accessory building.~~

9.5.2.5 2 Exterior storage may be permitted only with permission of the Planning and Zoning Commission. The Commission may allow exterior storage only when the storage will be screened from neighboring views by a solid fence or by evergreens of adequate height and bulk at the time of planting to effectively screen the area. In situations where a combination of existing foliage and/or long distances to neighboring views provide screening, the fencing requirements may be waived at the discretion of the Planning and Zoning Commission.

9.5.2.6 3 The home occupation must be owned and conducted by the residents of the dwelling.

~~9.5.2.7 — Unless otherwise determined by the Board of Commissioners, no sales of products or services not produced on the premises is permitted.~~

9.5.2.8 4 The use must be unlikely, as determined within the reasonable discretion of the governing authority, to become a nuisance by reason of odor, dust, smoke, gas, vibrations, or to impose a hazard to health or property.

~~9.5.2.9 — Modifications from the above requirements may be approved by the Planning and Zoning Commission, in individual cases if the modification is in accordance with the intent of the District.~~

9.5.2.10 5 Additional requirements or conditions may be added as deemed necessary to insure that the rural home occupation will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the county or in any way adversely affect the character of the area.

~~9.5.2.11 — Permitted home occupations:~~

- ~~a. All occupations permitted in the section 9.5.1.10.~~
- ~~b. Appliance repair.~~
- ~~c. Veterinary services other than boarding.~~

- ~~d. Ceramics.~~
- ~~e. Contracting, masonry~~
- ~~f. Tow truck services.~~
- ~~g. Upholstery.~~
- ~~h. Other similar uses as approved by the Planning and Zoning Commission.~~

9.5.2.6 On parcels less than five acres, any business activity conducted outside the residence is limited to a single accessory building not exceeding 2000 square feet.

9.5.2.7 On parcels of five acres or more, any business activity conducted outside the residence is limited to a single accessory building not exceeding 5000 square feet.

9.5.2.8 In addition to any other siting requirements under this ordinance or other law, an accessory building used for a home occupation hereunder must be located to the rear of the home and must be located a minimum of 50 feet from all property lines.

9.5.2.9 No separate drive for the home occupation is permitted; the drive to the home must also serve the home occupation, including any accessory building.

9.5.2.9 An accessory building used for a home occupation hereunder may not be also used as a residence.

9.5.2.10 Any person conducting a home occupation hereunder must disclose, in writing, the nature of the occupation and such other information as may be reasonably required by the Zoning Administrator. The Zoning Administrator shall prepare and make disclosure forms available at the Planning and Zoning office. Failure to make such disclosure prior to commencement of business activity shall be a violation of the Ordinance.

9.5.2.11 Home occupations permitted hereunder are as follows:

- a. All occupations permitted under section 9.5.1.10.
- b. All permitted uses under section 7.7."

3. Except as amended hereby, the Ordinance remains in full force and effect.
4. This Resolution is effective immediately upon adoption.

Approved by the Madison County Board of Commissioners on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, and executed this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Honorable Anthony Dove, Chairman

ATTEST:

\_\_\_\_\_  
Rhonda Wooten, Clerk