

# Article 3. Restrictions on Particular Uses

Effective January 1, 2009, as Amended through June 4, 2019

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## Article 3. Restrictions on Particular Uses

Effective January 1, 2009, as Amended through June 16, 2015

The purpose of this Article is to provide land use and development regulations for specific uses that will then be applicable to sites throughout Camden County. Unless otherwise noted, these standards are intended to be applied within all zoning districts where the particular uses are permitted, whether by right or through Special Use approval.

### DIVISION 1. RESTRICTIONS THAT APPLY GENERALLY.

This Division contains provisions that apply to the use of land without regard to the zoning district within which the use is allowed.

#### Sec. 301. Additional code and licensing requirements.

All land use, building and businesses must comply with all applicable provisions of the Official Code of Camden County, Georgia.

#### Sec. 302. Public gatherings.

(a) **Use of public spaces and facilities.**

There shall be no demonstrative, informative, celebratory, or other forms of public expression, either fixed or processional, conducted on, over, upon, or burdening the public properties of Camden County, or employing the facilities thereon, without first being permitted by the county after application made according to the requirements set out hereinafter.

(b) **Application.**

See Article 12, Procedures and Permits, regarding applications for permits for public gatherings.

#### Sec. 303. Standards for single-family and two-family dwellings.

All single-family and two-family dwellings, including on-site built and industrialized housing and manufactured homes, shall meet or exceed the following requirements in order to be constructed, assembled, moved into or relocated within Camden County:

(a) **Foundation.**

(1) The structure shall be attached to a permanent foundation constructed in accordance with the Building Code or State regulations, as applicable.

(2) Upon placement, all means of transportation, such as towing devices, wheels, axles, and hitches, shall have been removed.

(3) Skirting and crawl-space enclosure. *[Amended March 2 and April 6, 2010]*

The following shall apply to all single-family and two-family on-site built and industrialized dwellings, and to all manufactured homes, in addition to the applicable flood damage prevention requirements of this Development Code regarding openings for the flow of flood waters or as otherwise may apply under the requirements relating to the coastal high hazard flood areas (V-Zones). (See the Provisions for Flood Hazard Reduction section of the Flood Damage Prevention division of Article 11.)

a. For all single-family and two-family on-site built and industrialized dwellings in any zoning district, the structure shall either be placed directly upon a slab foundation or the area beneath

the ground floor shall be enclosed around the exterior of the structure with a foundation wall constructed of finished masonry at least 4 inches thick, penetrated by openings only for installed vents and access doors.

- b. For any newly placed manufactured home in the R-1 zoning district, the area beneath the ground floor of the structure shall be enclosed around the exterior of the structure with a non-load bearing curtain wall constructed of finished masonry at least 4 inches thick, penetrated by openings only for installed vents and access doors.
  - c. For any newly placed manufactured home in the R-2 zoning district, the following shall apply:
    1. The manufactured home shall comply with the skirting requirements of Sec. 303(a)(3)b., above, when the property is located within an area designated as Residential or Commercial on the adopted or most recently amended Future Land Use map.
    2. The manufactured home shall comply with the skirting requirements of Sec. 303(a)(3)d., below, when the property is located within an area designated as Rural, Rural Residential or Multi-Family on the adopted or most recently amended Future Land Use map.
  - d. For any newly placed manufactured home in the A-F, A-R or MHP zoning districts, the area beneath the ground floor of the structure shall either be enclosed around the exterior of the structure with a non-load bearing curtain wall constructed of finished masonry at least 4 inches thick, or with skirting that is designed to complement the appearance of the manufactured home, with either such enclosure penetrated by openings only for installed vents and access doors. If skirting is used, it must be installed following the manufacturer's instructions, and must be of solid aluminum, fiberglass, rigid plastic material or heavy gauge vinyl.
- (4) Each manufactured home shall have tie-downs or other devices securing the stability of the manufactured home and shall be installed in accordance with the requirements of the *Installation of Manufactured Homes and Mobile Homes* rules and regulations established and published by the Georgia Safety Fire Commission (O.C.G.A. 8-2-160 et. seq.)

(b) **Landings.**

At each exterior door, there must be a landing that is a minimum of 36 inches by 36 inches.

(c) **Exterior siding.**

Exterior siding materials shall consist of any combination of wood, brick, metal, stucco, stone finish, shake shingle siding, custom log construction, vinyl certified by the Vinyl Siding Institute as conforming to the standards of ASTM D3679, or painted wood lap or fiber cement siding. *[Amended February 4, 2020]*

(d) **Minimum floor area.** *[Amended June 13, 2017]*

The minimum heated floor area, as defined in this Development Code, for any single-family or two-family dwelling unit, and for any manufactured home, shall be 320 square feet based upon size and design conforming to UDC Sec. 303. (g) and all other UDC requirements. *[Amended December 1, 2009 & May 27, 2014]*

(e) **Deviations from standards; where allowed.**

The Board of Commissioners may approve deviations from the standards contained in this Section for a single-family or two-family dwelling or a manufactured home on a case-by-case basis upon a finding that all of the following are met:

- (1) Such deviation shall provide an adequate balance between the protection of the health, safety and welfare of the general public and the right to unfettered use of private property; and,
- (2) Such deviation shall foster beneficial development of the County in the public interest.

(f) **Compliance with codes.**

The dwelling shall be constructed in accordance with all applicable requirements of the Building Code as adopted by the County, or in accordance with standards established by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401, et seq.) for manufactured homes, or in accordance with State law and regulations for industrialized buildings, whichever apply. *[Ed. Note: The codes updated by Resolution December 10, 2013 with Ga. State Amendments, maintained the minimum design wind speed at the 120 mph/3 sec. gust.]*

**Sec. 304. Standards for multi-family dwellings (including townhouses).**

(a) **Recreation amenity.**

Every townhouse or multi-family development proposed to contain 25 dwelling units or more must include a community recreation amenity to serve the development, based on the number of dwelling units, in accordance with this Subsection.

- (1) Unless otherwise established as a condition of zoning approval for the development or exempted by the Board of Commissioners, the recreation amenity shall be as required on the following Table 3.1.
- (2) The proposed amenity area(s) and recreation amenities to be provided shall be submitted as part of the development site plan application for project approval as required under the Procedures and Permits of this Development Code.
- (3) All required amenities shall be completed and available for use prior to issuance of a Certificate of Occupancy on more than 50% of the dwelling units in the development.
- (4) Such amenities may not be developed within a Primary Conservation Resource Area as defined in the Environmental Protection Article of this Development Code.

(b) **Screening of dumpsters.**

Trash containers must be covered and be placed on a pad that shall be completely enclosed on all sides and screened from public streets and residential districts. Dumpster pads must drain into a drainage pit of adequate size to allow percolation and not into a storm water system, septic system or sanitary sewer.

(c) **Building arrangement.**

Buildings that are front face to front face or front face to back face shall not be less than 75 feet apart; buildings that are back face to back face shall not be less than 60 feet apart. No dwelling shall be situated as to face the rear of another dwelling structure within the development or on adjoining properties, unless differences in terrain and elevation would provide effective visual separation.

(d) **Dwelling units per building.**

- (1) Townhouses: No more than 8 or fewer than 3 dwelling units can comprise a building.
- (2) Other multi-family buildings: No more than 8 dwelling units per floor may be included within a building used exclusively as a multi-family dwelling unless a larger number is allowed as a condition of zoning approval for a particular property or development.

<b>Table 3.1: Recreation Amenities—Multi-Family Developments</b>				
<b>Amenity Required</b>	<b>Number of Dwellings in the Development</b>			<b>Standard</b>
	<b>25 to 99</b>	<b>100 to 249</b>	<b>250 or more</b>	
Active Play Area <sup>1</sup>	Min. ½ acre total	Min. 1 acre total	Min. 2.3 acres total	Total area: 400 sf per dwelling unit (d/u).
Athletic Courts <sup>2</sup>	Min. 1 court	Min. 1 courts +	Min. 3 courts +	Minimum shown + 1 court per additional 100 d/u's (rounded down). <sup>3</sup>
Swimming Pool <sup>4</sup>		Min. 1,800 sf (30 x 60)	Min. 2,250 sf (30 x 75)	Total water surface area: Minimum shown + 9 sf per d/u >250, max. 4,500 sf (45 x 100).
Clubhouse			Min. 2,500 sf	Total floor area: 10 sf per d/u

<sup>1</sup> Children's play area including active play equipment. Multiple play areas are allowed, but none less than ½ acre in size.

<sup>2</sup> Any combination of tennis, basketball or volleyball courts.

<sup>3</sup> For instance, 100–149 dwellings = 1 court; 150–249 dwellings = 2 courts; 250–299 dwellings = 3 courts; 300–399 dwellings = 4 courts.

<sup>4</sup> Pools shall meet or exceed ANSI/NSPI-1 standards for Class B public pools and maintain compliance with construction and operating permits issued by the Health Department.

Note: "sf" stands for "square feet."

- (3) Lofts and mixed-use buildings: Within a master planned development or a zoning district that is allowed to have lofts (dwelling units over retail or office space) or mixed-use arrangements of commercial and residential within the same building, the minimum floor area required for the dwelling units and the building heights will control the maximum number of units allowed.

(e) **Townhouse developments.**

- (1) Townhouse development is to be designed, proposed and intended such that each dwelling unit therein is to be sold in fee simple as a condominium or with the land upon which the unit is located as an individual lot subdivided from all other lots.
- (2) No more than eight continuous dwelling units shall be built in a row without a break between buildings of at least 20 feet.
- (3) No more than three contiguous dwellings that form a part of a single building shall have the same setback or roof line. Said setback and roof line shall be varied by a minimum of two feet.
- (4) Sidewalks shall be provided for each townhouse residential development to promote safe pedestrian access throughout the entire development.
- (5) Driveways serving more than six units shall be paved to a minimum width of 20 feet, curbed and guttered. All driveways within the development shall be paved, curbed and guttered according to county specifications for public streets.
- (6) Private, usable open space, such as balconies, sundecks, patios, etc., shall be provided contiguous to each dwelling unit. The area of such open space provided for each unit shall not be less than ten percent of the floor area of the unit served. The location and number of square feet shall be clearly indicated on the site plan.



**Sec. 305. Standards for nonresidential uses.**

The following standards apply to all office, retail, industrial, institutional and other nonresidential uses except farm structures in the agricultural zoning districts:

**(a) Screening of dumpsters.**

Trash containers must be covered and be placed on a pad that shall be completely enclosed on all sides and screened from public streets and residential districts. Dumpster pads must drain into a drainage pit and not into a storm water system, septic system or sanitary sewer.

**(b) Posting of street address.**

All improved buildings or properties shall be posted with a street address number assigned by Camden County. The street address number must be clearly visible from the street or road.

**DIVISION 2. RESTRICTIONS ON CERTAIN PARTICULAR USES.**

This Division contains specific restrictions on uses that are otherwise allowed in particular zoning districts as shown on Table 2.1.

**Sec. 306. Accessory uses and structures.**

In addition to the principal uses which are designated as being permitted by this Development Code, certain uses customarily incidental or accessory to principal uses shall also be permitted. For the purposes of this Development Code each of the following uses is considered to be a customary accessory use and may be situated on the same lot with the principal use. Any accessory use or structure 200 square feet or greater in floor area must be authorized by issuance of a building permit as required by the Building Code. *[Amended June 16, 2015]*

**(a) Accessory structures and uses for dwellings. *[Amended June 4, 2019]***

- (1) Private garage for the occupant's automobiles or vehicles; must be noncommercial usage of garage.
- (2) Parking area or open storage space for motor vehicles belonging to the occupant, and provided that this regulation shall not be misconstrued to mean commercial uses are allowed.
- (3) Shed or tool shed for the storage of equipment.
- (4) Children's playhouse or play equipment.
- (5) Private kennel, pens or cages for occupant's pets, provided it does not create a nuisance to neighbors.
- (6) Private swimming pool and bathhouse or cabana.
  - a. Swimming pools serving a single-family dwelling must be enclosed with a minimum four-foot high fence, chain link, solid wood, or vinyl and secured with locked gate. Latching device shall be in accordance to the International Residential Code for Swimming Pools, Spas and Hot Tubs. Approved screened-in enclosures are allowed in lieu of fence. Screened-in enclosures shall meet all building code requirements.
  - b. Swimming pools serving 2 or more dwelling units must comply with all requirements of the Health Department for a semi-public swimming pool.
- (7) Structures designed and used for the purposes of shelter in the event of catastrophes.
- (8) Noncommercial flower, ornamental shrub or vegetable garden, greenhouse or slat house.
- (9) Private boat dock, boathouses.

**(b) Accessory structures and uses for church buildings.**

- (1) Religious education buildings.
- (2) Parsonage, parsonium or parish house, together with any use accessory to a dwelling as listed above.
- (3) Off-street parking area for the use without charge to members and visitors to the church.

**(c) Accessory structures and uses for commercial and industrial uses.**

- (1) Off-street parking or storage area for customer, client or employee-owned vehicles.
- (2) Completely enclosed building for the storage of supplies, stock or merchandise.
- (3) Light manufacturing and/or repair facility incidental to the principal use, provided that dust, odor, smoke, noise, vibration, heat or glare produced as a result of such manufacturing or repair operation is not perceptible from any boundary line of the lot on which said principal and accessory uses are located, and provided such operation is not otherwise specifically prohibited in the district in which the principal use is located.
- (4) Sheltered roofs, awnings or canopies incidental to retail and commercial use, where such use is permitted, provided that no part shall, in any case, be located any closer than ten feet to any property line.

**(d) Other accessory uses and accessory buildings [Amended March 25, 2014]**

- (1) Temporary Personal Storage Unit.

A temporary personal storage unit may be parked or located on private property in any district subject to the following limitations:

- a. The duration of placement of the unit or units is limited to sixty (60) days, the duration of an active building permit for the property the unit or units are located upon, or a reasonable amount of time for emergency cleanup after a natural or other disaster as determined by local, state, or federal government emergency preparedness agencies or by Temporary Permit approved by the Board; and
- b. The unit or units may be located in front yards on a driveway, in a side yard, or in a back yard, and may be located in a required setback, but not within 10 feet of the right of way, other property line, easement, alley, or fire lane. [Amended March 25, 2014]

- (2) Shipping Container.

Shall be permitted on a limited basis in the A-F, General Agriculture-forestry Zoning District when all minimum UDC requirements are met or exceeded for Accessory Buildings, including the following:

- a. A Shipping Container may be used on a 3 acre or larger parcel and provided that containers may not be placed between the primary structure and the immediately adjacent street, road or access easement along the property. The following shall apply to all shipping container placement meeting these requirements:
  1. Location and placement.
    - (a) Only one shipping container may be placed on an Agriculture Forestry Zoning District (3 acre parcel or larger). More containers, meeting all UDC requirements, may be permitted when deemed necessary through Special Use approval.
    - (b) Placement shall require a building permit with a site plan to ensure that an installation will be in a compliant location and shall meet the same requirements for a building permit as Accessory Buildings.

- b. This section shall not be construed to permit stacked shipping containers, nor tanks, platform, flat tracks, or reefer (refrigerated) containers, nor to permit truck bodies, semi-trailers or permanent placement of Temporary Personal Storage Units. [Amended March 25, 2014]

(e) **Setback and other requirements for accessory uses and structures.**

In any district, all accessory uses and structures shall observe a minimum setback as set forth in the district or as provided in Sec. 207(c) [see Ed. Note, below]. Wells and small pump houses are not affected by the front yard setback and may be placed as provided in Sec. 207 (c)(2) f. & g. [see Sec. 207 for more specific setback regulation depending upon use and size of accessory building and structures.] [Amended March 25, 2014]

[Ed. Note: See the Sign Regulations Article of this Development Code for all setback requirements for the various types of signs.]

**Sec. 307. Asphalt plants and concrete plants.**

Asphalt plants, temporary batch plants and concrete plants must comply with the following requirements:

(a) **Use restrictions.**

In addition to all requirements and restrictions imposed by the State of Georgia on an asphalt or concrete plant, the following shall apply to any such operation in Camden County:

- (1) No operation shall be allowed between the hours of 7:00 p.m. and 7:00 a.m. during the months of November, December, January, February and March. No operation shall be allowed between the hours of 9:00 p.m. and 6:30 a.m. during the months of April, May, June, July, August, September and October. No operation shall be permitted on Sundays, New Year's Day, Independence Day, Thanksgiving or Christmas Day. These restrictions shall not apply to routine maintenance and may be varied for special projects, including Department of Transportation projects and large commercial projects, with the approval of the Board of Commissioners.
- (2) Asphalt mixing shall be a sealed process.
- (3) All necessary state and federal permits must be obtained prior to application.
- (4) Fire prevention, evacuation and safety plan to be approved by the fire safety inspector.
- (5) Cleaning of vehicles and containers shall be performed so that runoff shall not enter the sanitary sewer system nor shall it runoff into adjoining properties.

(b) **Site requirements.**

- (1) Minimum site to be 5 acres.
- (2) No asphalt plant, temporary batch plant or concrete plant shall be located closer than 1,000 feet from any residential zoning district land or school property line, or closer than 1,000 feet from a residential dwelling in an agricultural district.
- (3) Local streets and streets in recorded subdivisions shall not be used as part of any truck traffic route giving access to the facility. The entrance or entrances shall be directly off an arterial or a major collector road, and truck traffic routes and entrances to the facility shall be approved by the county engineer.

(c) **State permits.**

A copy of any applicable State permit approval shall be maintained on file with the Code Enforcement Department.

**Sec. 308. Automobile service station.**

Automobile service stations and filling stations approved in the C-N and C-G zoning districts further shall comply with the following:

- (1) All pumps shall be set back at least 25 feet from the right-of-way line of all abutting streets.
- (2) Parking or service areas shall be entirely separated from adjoining residential properties by a suitable planting screen, fence or wall at least six feet in height.

**Sec. 309. Boarding, raising and breeding of animals.**

(a) **Agricultural animal production activities.**

Where any form of “animal production” is an allowed agricultural use, boarding and/or breeding kennels, animal shelters and the raising of non-domestic animals (such as horses, cattle, poultry, goats and sheep) or wild and exotic animals must comply with the following requirements:

- (1) Stockyards, poultry houses and hog parlors shall be located on tracts of land not less than 20 acres in area.
- (2) Except for horse riding stables, and except for stockyards, poultry houses and hog parlors on tracts of 20 acres or more, the following shall apply:
  - a. The total number of cattle, horses, sheep, poultry and other non-domestic, wild or exotic animals that can be located on a property is 5 animal units per acre for the portion of a property devoted exclusively to such use. The portion of a property devoted exclusively to such use shall be the area where the animals are housed, kept, pastured or confined.
  - b. An “animal unit” is a common animal denominator based on feed consumption and on the assumption that one mature cow represents an animal unit. Then, the comparative (to a mature cow) feed consumption of other age groups or classes of animals determines the proportion of an animal unit that they represent. For the purposes of this Development Code, the animal unit equivalents shown on Table 3.2 apply.

(b) **Nonagricultural animal husbandry.**

- (1) For a kennel, the minimum lot size shall be 2 acres and the number of animals maintained as breeding stock shall not exceed 4.
- (2) A property containing a personal horse stable or a commercial riding stable must provide a minimum site area of at least 2 acres for the first horse, and an additional 1 full acre for each additional horse kept on the property.
- (3) No structure or corral housing horses can be established closer than 200 feet to any property line.

<b>Type of Livestock*</b>		<b>Animal Units</b>
<b>Cattle:</b>		
	Cow, with or without unweaned calf at side, or heifer 2 years old or older	1.0
	Bull, 2 years old or older	1.3
	Young cattle, 1 to 2 years	0.8
	Weaned calves to yearling	0.6
<b>Horses:</b>		
	Horse, mature	1.3
	Horse, yearling	1.0
	Weanling colt or filly	0.75
<b>Sheep:</b>		
	5 mature ewes, with or without unweaned lambs at side	1.0
	5 rams, 2 years old or over	1.3
	5 yearlings	0.8
	5 weaned lambs to yearlings	0.6
<b>Swine:</b>		
	Sow	0.4
	Boar	0.5
	Pigs to 200 pounds	0.2
<b>Chickens:</b>		
	75 layers or breeders	1.0
	325 replacement pullets to 6 months of age	1.0
	650 8-week-old broilers	1.0
<b>Turkeys:</b>		
	35 breeders	1.0
	40 turkeys raised to maturity	1.0
	75 turkeys to 6 months of age	1.0
<b>Other:</b>		
	Llama	0.7
	17 Emus	1.0
	8 Ostrich	1.0
*For other exotic or domestic animals not listed above, the Animal Unit values shall be assigned on a similar basis using factors such as feed consumption, waste production and body weight.		

**Sec. 310. Churches and other places of assembly.**

Churches, chapels, temples, synagogues, mosques and other such places of worship; and private clubs, fraternal organizations and other places of assembly, must comply with the following requirements.

**(a) Restrictions; agricultural or residential zoning districts.**

Such uses must meet the following minimum requirements if located in any agricultural or residential zoning district:

- (1) The site must contain at least 3 acres. *[Amended 4-17-12]*
- (2) The site must have frontage of at least 200 feet on an arterial or major collector street, from which all access to the property shall be derived.
- (3) The seating capacity in the primary area of assembly must not exceed 1,000 persons. Calculation of maximum seating capacity shall assume one person per chair or other type of seat, one person per 24 lineal inches of pew space, or one person per 6 square feet of standing or overflow area not containing fixed seating.
- (4) A landscape buffer meeting the requirements for landscape buffers for an office or institutional use in the Landscaping and Buffers Article of this Code shall be provided.

**(b) Restrictions; all zoning districts.**

Such uses, where otherwise allowed in a zoning district, must obtain approval as a Special Use under any of the following conditions:

- (1) The use is located on property with access occurring from a local street or minor collector as defined by this Development Code;
- (2) The use is located on property that is part of a residential subdivision containing 6 or more lots.

**Sec. 311. Drive-in theaters.**

Drive-in theaters allowed in the C-G zoning district further shall comply with the following:

- (1) Outside lighting and advertisement arrangements shall be directed away from adjoining residential districts, if any.
- (2) All adjoining properties shall be separated by a suitable planting screen, fence or wall at least six feet in height

**Sec. 312. Home occupations.**

A home occupation is permitted as an accessory use of any dwelling provided it meets the restrictions of this Section.

**(a) Home occupations; defined.**

A home occupation is any activity carried out for profit by the resident and conducted as an accessory use in the resident's dwelling unit. A home occupation is further defined as one of the following:

- (1) *Home Office:* A home occupation that is limited to an office use and does not involve visits or access by the public, suppliers or customers, and does not involve the receipt, maintenance, repair, storage or transfer of merchandise at the home.
- (2) *Home Business:* A home occupation that is limited to the use of a practicing professional or artist, or to the office use of the operator of a business, and may involve very limited visits or access by clients or customers and the maintenance, repair, storage or transfer of merchandise received at the home. Operation of a for-profit agricultural activity or a farm is not considered a home business.
- (3) *Family day care home:* A home occupation in which the occupant of the dwelling provides supervision and non-medical care for up to 6 children or elderly adults with no overnight stays.
- (4) *Home occupation—rural.* A home occupation located in an agricultural area.

**(b) Home office.****(1) Permitted activities.**

- a. A home office shall be limited to the personal conduct of a business within one's place of residence, subject to the provisions of this Subsection.
- b. A home office is allowed by right as an accessory use to a residential dwelling.

**(2) Limitations on size and location.**

- a. The floor area devoted to the home office must not exceed 25 percent of the gross floor area of the dwelling unit or 500 square feet (whichever is less). This limitation applies to the aggregate floor area of all areas devoted to the home office, whether located within the dwelling or in an accessory structure.
- b. There shall be no activity or display associated with the home office outside of any building or structure, other than one wall sign having a sign face of no more than 1 square foot.
- c. The home office shall be located and conducted in such a manner that the average neighbor under normal circumstances would not be aware of its existence.
- d. The building in which the home office is to be located must be an existing structure and not a proposed structure. No new structures may be constructed specifically for the home office. No exterior alteration of the residence or accessory buildings shall be made for the home office.

**(3) Activity controls.****a. Sales.**

There shall be no exchange of merchandise between seller and buyer on the premises.

**b. Transfer of goods.**

There shall be no goods, products or commodities received on the premises intended for resale or delivery to customers except by U.S. Mail or parcel service.

**c. Personal services.**

There shall be no activities on the premises that provide personal services such as a barber shop, beauty shop, hairdresser or similar activities.

**d. Manufacturing.**

There shall be no manufacturing, assembly or fabrication of products on the premises conducted as an occupation or commercial venture.

**e. Employees.**

1. There shall be no associates or employees on the premises other than other members of the family who reside on the premises.
2. Any off-site employees of the business shall not congregate on the premises for any purpose concerning the occupation.

**f. Outsiders and nonresidents on the premises.**

There shall be no nonresident persons on the premises in conjunction with the home office.

**g. Parking and storage.**

1. No materials, equipment or business vehicles shall be stored or parked on the premises unless they are confined entirely within the residence or an enclosed garage, except that one business vehicle (the carrying capacity of which shall not exceed one and one-half tons) used exclusively by the resident may be parked in a carport, garage or rear or side yard. This shall not include earth-moving equipment or a wrecker, dump truck, flat bed

truck, tow truck, or any truck with more than 6 wheels or more than 2 axles, or any van capable of carrying more than 15 passengers, including the driver.

2. There shall be no parking spaces provided or designated specifically for the home office.

h. Lights and nuisances.

There shall be no exterior lighting of the building or property or noise audible from the exterior of the building through use of the home office that is not in character with a residential neighborhood.

(c) **Home business.**

The provisions of this Sec. 312(c) shall apply to home businesses in all zoning districts where otherwise allowed by right or Special Approval, with the exception of any home business in the A-F or A-R zoning districts:

(1) Permitted activities.

- a. A home business shall be limited to the personal conduct of a business within one's place of residence, subject to the provisions of this Subsection.
- b. A home business is allowed as an accessory use to a residential dwelling upon approval as a Special Use.
- c. The home business must be operated by the owner of the property on which the home business is to be located, or must have written approval of the owner of the property if the operator is a tenant.

(2) Limitations on size and location.

- a. The floor area devoted to the home business must not exceed 25 percent of the gross floor area of the dwelling unit or 700 square feet (whichever is less). This limitation applies to the aggregate floor area of all areas devoted to the home office, whether located within the dwelling or in an accessory structure.
- b. If the property on which the home business is to be located is served by an on-site sewage management system (septic tank), certification of the system by the Health Department is required prior to Special Use approval or issuance of a building permit or certificate of occupancy.
- c. There shall be no activity or display associated with the home business outside of any building or structure, other than one wall sign having a sign face of no more than 1 square foot.
- d. The home business shall be located and conducted in such a manner that the average neighbor under normal circumstances would not be aware of its existence.
- e. The building in which the home business is to be located must be an existing structure and not a proposed structure. No new structures may be constructed specifically for the home business. No exterior alteration of the residence or accessory buildings shall be made.

(3) Activity controls.

a. Sales.

There shall be no exchange of merchandise between seller and buyer on the premises except for items produced in the home.

b. Transfer of goods.

There shall be no goods, products or commodities received on the premises intended for resale or delivery to customers except by U.S. Mail or parcel service.

c. Personal services.



Personal service occupations shall be limited to the practice of a profession, artistic production or instruction, educational or personal tutoring, and personal grooming such as a barber shop, beauty shop or hairdresser. Specific services to be provided may be limited or otherwise allowed as a condition of Special Use approval.

d. Manufacturing.

1. There shall be no manufacturing, assembly or fabrication of products on the premises other than items of artistic value or items normally produced in a home, such as baked goods or woodworking products.
2. No mechanical equipment shall be used for the home business except such equipment as is customary for household, artistic and hobby purposes.

e. Employees.

1. Only persons living in the dwelling unit plus two nonresident employees shall be located on the premises.
2. Any off-site employees of the business shall not congregate on the premises for any purpose concerning the occupation.

f. Outsiders and nonresidents on the premises.

Outsiders and nonresidents on the premises in conjunction with the home business shall be limited to those receiving personal services in the home (as specified above), purchasers of items produced in the home, and one employee.

g. Parking and storage.

1. No materials, equipment or business vehicles shall be stored or parked on the premises unless they are confined entirely within the residence or an enclosed garage, except that one business vehicle (the carrying capacity of which shall not exceed one and one-half tons) used exclusively by the resident may be parked in a carport, garage or rear or side yard. This shall not include earth-moving equipment or a wrecker, dump truck, flat bed truck, tow truck, or any truck with more than 6 wheels or more than 2 axles, or any van capable of carrying more than 15 passengers, including the driver.
2. No more than one vehicle of any business customer or client may park at the location of the home occupation at any time.

h. Lights and nuisances.

1. There shall be no exterior lighting of the building or property that is not in character with a residential neighborhood.
2. No home business shall create noise, dust, vibration, smell, smoke, electrical interference, fire hazard, or any other hazard or nuisance to a greater or more frequent extent than that usually experienced in an average residential occupancy.

(4) Expiration of Special Use approval.

Special Use approval for a home business shall expire under the following conditions:

- a. Whenever the applicant ceases to occupy the premises for which the home occupation was approved, no subsequent occupant of such premises shall engage in any home business until he shall have been issued a new Special Use approval.
- b. Whenever the holder of such permit fails to exercise the same for a period of 6 consecutive months.

(d) **Family day care home.**

Day care for up to 6 children as an accessory use to a residence is subject to the following requirements:

- (1) Care shall be limited to fewer than 24 hours per day.
- (2) A maximum of 5 children or elderly adults for whom compensation is received, or no more than 6 children or elderly adults if the structure meets the Building Code requirements for institutional uses.
- (3) If the home in which the day care operation is to be located is served by an on-site sewage management system (septic tank), certification of the system by the Health Department is required prior to commencement of the use or issuance of a building permit or certificate of occupancy.
- (4) For purposes of this section only, children who are related by blood, marriage or adoption to the childcare provider shall not be included in the calculation of the 6 children limitation, with the total maximum of no greater than 8 children at any one time.
- (5) The family day care home must be registered with the day care licensing division of the Georgia Department of Human Resources and proof of such registration must be submitted to, and maintained current with, the Planning Department.
- (6) The registered family day care home operator must be a full-time resident of the premises where the family day care home is located.
- (7) The family day care home shall comply with all provisions relating to a home business under Section Sec. 312(c), except that there shall be no employees.
- (8) No off-street parking other than that required for the residential use under the Parking and Loading Article of this Code may be provided.
- (9) All outward appearance of the day care use shall be prohibited other than normal play equipment associated with a residence.

(e) **Home occupation—rural.**

A home business carried on within an A-F or A-R zoning district shall comply with the following:

- (1) Permitted activities.
  - a. The home business shall be limited to the personal conduct of a business within one's place of residence or farm, subject to the provisions of this Subsection.
  - b. The home business is allowed as an accessory use to a residential dwelling or farm operation.
  - c. The home business must be operated by the owner of the property on which the home business is to be located, or must have written approval of the owner of the property if the operator is a tenant.
- (2) Limitations on size and location.
 

The business may be located within a residence or accessory building.
- (3) Activity controls.
  - a. Sales.
 

There shall be no exchange of merchandise between seller and buyer on the premises except for items produced in the home or on the property.
  - b. Transfer of goods.
 

There shall be no goods, products or commodities received on the premises intended for resale or delivery to customers.
  - c. Employees.
 

Only persons living in the dwelling unit plus four nonresident employees shall be located on the premises.

d. Lights and nuisances.

1. There shall be no exterior lighting of the building or property that is not in character with an agricultural community.
2. No home business shall create noise, dust, vibration, smell, smoke, electrical interference, fire hazard, or any other hazard or nuisance to a greater or more frequent extent than that usually experienced in an average residential or farming occupancy.

**Sec. 313. Industrial uses.**

(a) **Obnoxious uses.**

- (1) Any industrial use that may produce injurious or obnoxious noise, vibration, smoke, gas, fumes, odor, dust, fire hazard or other objectionable conditions as a result of its operations, shall only be allowed with special use approval in the I-R and I-G zoning districts, and further shall comply with the following:
  - a. Such use must be located at least 200 feet from any adjoining property lines, and
  - b. Such use shall be in conformance with applicable rules and regulations administered and enforced by the Environmental Protection Division of the Georgia Department of Natural Resources.
- (2) For any such industrial use approved in the I-R zoning district, such noises, vibrations, smoke, gases, fumes, odors, dust, fire hazards or other obnoxious or unsafe conditions related to the operation shall not extend beyond the property of the industry.

(b) **Junkyards, junk or salvage operations.**

- (1) All junkyards shall be completely screened from roads or developed areas with an opaque fence or wall meeting and continuously maintained in accordance with the requirements for a structural buffer contained in the Buffers, Landscaping and Tree Conservation Article of this Development Code.
- (2) Open yard use for the sale, dismantling and/or storage of salvage or junk materials and equipment shall be separated from adjoining properties by a planting screen, fence or wall at least six feet in height.
- (3) No operations shall be conducted which shall cause a general nuisance or endanger the public health.
- (4) No junk or salvage operations or the open storage of junk or salvage materials shall be located in the I-R zoning district.

**Sec. 314. Manufactured homes. [Amended June 4, 2019]**

*[Amended December 1, 2009]*

(a) **Restrictions in the R-1 zoning district.**

- (1) Newly placed manufactured homes shall be allowed in the R-1 district only with special use approval, and only in subdivisions established prior to November 1, 2004 within which all or a majority of the dwelling units were mobile homes or manufactured homes.
- (2) For replacement of an existing nonconforming manufactured home in the R-1 district, see the Nonconforming Use provisions of Article 1 of this Development Code.

(b) **Restrictions in the R-2 zoning district.**

*[Amended April 6, 2010]*

- (1) A manufactured home is allowed by right on a property zoned R-2 when the property is located within an area designated as Rural, Rural Residential or Multi-Family on the adopted or most recently amended Future Land Use map.
  - (2) A manufactured home is allowed only by Special Use approval on a property zoned R-2 when the property is located within an area designated as Residential or Commercial on the adopted or most recently amended Future Land Use map.
- (c) **Manufactured home standards.**
- (1) Other than manufactured homes transferred to the sales lot of a state approved manufactured home dealer, any manufactured home, whether new or previously owned, moved into or relocated within the unincorporated area of Camden County, must meet all applicable standards of Sec. 303 of this Development Code.
  - (2) Any previously owned manufactured home proposed to be moved into Camden County or proposed to be relocated from one property to another or to be relocated from one site to another within the same property must comply with all of the inspection standards and other provisions of Sec. 314(f) of this Development Code.
  - (3) For the purposes of this Section, “state approved manufactured home dealer” shall mean a dealer authorized to buy and sell mobile homes and/or manufactured homes and currently listed in the office of the State of Georgia Safety Fire Commissioner.
  - (4) Installation must comply with the Rules and Regulations for Manufactured Homes made and promulgated by the State of Georgia Safety Fire Commissioner in order to obtain approval and to obtain permanent electrical service.
- (d) **Manufactured home permit required.**
- (1) No mover, hauler or person shall move a manufactured home for installation on any property within the county without first obtaining a manufactured home permit from the Building Official. No manufactured home permit shall be issued unless the person, firm, corporation or other entity moving it specifies the location within the county to which it is to be moved and has first obtained manufactured home permit approval to do so prior to removal. Any failure to secure a manufactured home permit as required by this section shall be considered in violation of this Code and such manufactured home shall not be connected to permanent power, water supply or sanitary disposal system.
  - (2) It shall be a condition precedent to issuance of any manufactured home permit required by this Code that the owner of said manufactured home submit to the Building Official proof that all state and county taxes and fees theretofore accruing and payable with respect to such manufactured home have in fact been paid.
  - (3) A mobile home or manufactured home may be moved out of the county or transferred to the sales lot of a state approved manufactured home dealer for location at said dealer's place of business without issuance of a manufactured home permit. In no event shall this exception allow any person to live in said mobile home or manufactured home or to allow said home to be relocated for occupancy within the county or to receive any utility service.
- (e) **Permit application procedures.**
- (1) All manufactured homes must be located at an approved site. This approval is obtained by the issuance of a manufactured home permit and a permit for wastewater disposal for that site. In the event that a municipality will provide sewer hookup, that municipality verifying that it will allow sewer hook-up must provide a letter or permit to the Building Official. A manufactured home permit application is available from the Building Official and a permit application for an on-site wastewater management system is available at the county health department.

- (2) A manufactured home permit to move a manufactured home into or within the county shall not be issued until the wastewater permit has been issued and the inspection required under Sec. 314(f) has been completed. Upon the issuance of the above permits, a manufactured home may be moved into the county or within the county and installed for occupancy, subject to the completion of all repairs necessary to comply with the standards of Sec. 314(f).

- (3) Provisions for temporary power after the issuance of a manufactured home permit.

The Building Official is authorized to permit the applicable power company to provide temporary power for the express purpose of completing necessary installation of the manufactured home. This provision specifically does not authorize permanent power hookup or occupancy of the manufactured home. It shall be unlawful for temporary power to be utilized on a permanent basis or for occupancy of said home.

(f) **Manufactured home inspection standards.**

- (1) No previously owned manufactured home shall be allowed to locate for permanent or temporary occupancy unless that manufactured home has been inspected and passed by the Building Official pursuant to the standards contained herein.
- (2) Any previously owned manufactured home that is proposed to be moved into or relocated within the county must pass inspection by the Building Official or a qualified, HUD-certified inspector acceptable to the Building Official. This inspection will include without limitation the following:
  - a. Compliance with the building standards applicable to manufactured homes in Sec. 303 of this Development Code.
  - b. Sanitary facilities.
    1. Every plumbing fixture, water and waste pipe shall be in a sanitary working condition free from leaks or obstructions.
    2. Both cold and hot water must be supplied.
    3. Water heating facilities must be in safe working condition.
  - c. Exterior condition.
    1. Every habitable room shall have at least one window that can be opened facing directly to the outdoors.
    2. The exterior of the manufactured home shall be free of loose or rotting boards or timbers and any other conditions that might admit rain or moisture to the interior portions of the walls or to the occupied spaces.
    3. The exterior siding shall be free of rot and rust and must be uniform in appearance.
    4. Roofs shall be structurally sound and have no obvious defects that might admit rain or cause moisture to collect on the interior portion of the manufactured home.
    5. All manufactured homes to be located in the A-F, A-R, and MHP Zoning Districts shall have skirting installed that is designed to complement the appearance of the manufactured home prior to occupancy. Skirting shall be of solid material such as aluminum, fiberglass, rigid plastic, or heavy gauge vinyl.
  - d. Safety of operating systems (electrical, heating, etc.), including:
    1. Heating facilities must be present and must operate in a safe working condition. Where a central heating system is not provided, the manufactured home shall be provided with adequate facilities to which a heating appliance is connected.
    2. Unvented fuel burning heaters shall be prohibited except for gas heaters listed for unvented use and the total input rating of the unvented heaters is less than 30 BTU per house per cubic foot of room content.

3. Distribution panels shall comply with the approved listing, complete with required breakers or fuses, with all unused openings covered with blank covers approved and listed for that purpose. Connections shall be checked for tightness. Panels shall be accessible.
  4. Electrical systems (switches, receptacles, fixtures, etc.) shall be properly installed, wired and shall be in good working condition. The home shall be subjected to an electrical continuity test(s) to assure that all metallic parts are properly bonded.
  5. Operable smoke detectors shall be present at appropriate locations.
- e. Interior condition.
1. Every floor, interior wall and ceiling shall be in sound condition.
  2. Doors and windows shall be operable, watertight and in good working condition.
  3. The floor system shall be in sound condition and free of warping, holes, water damage or deterioration.
- (3) Timing of inspection.
- a. For a previously owned manufactured home to be relocated within the county, the inspection shall be conducted prior to moving the home from the original site. The State Licensed Mover/Installer shall be responsible for inspection coordination prior to moving the manufactured home, and for all subsequent zoning, permitting and inspection approvals prior to its arrival on site.
  - b. For a previously owned manufactured home being moved into the county, the inspection shall be conducted prior to moving the home from the original site by the Building Official or an inspection report addressing all of the inspection standards herein shall be delivered to the Building Official, prior to moving the home from the original site, that is prepared by a qualified, HUD-certified inspector acceptable to the Building Official. The State Licensed Mover/Installer shall be responsible for inspection coordination prior to moving the manufactured home, and for all subsequent zoning, permitting and inspection approvals prior to its arrival on site.
- (4) Repairs may be made after placement on a new site, provided that repairs must be completed prior to connecting the manufactured home to a water supply, to a sanitary waste disposal system, and to permanent electrical power.
- (g) **Issuance of final inspection and certificate of occupancy.**
- (1) An approved final inspection shall be issued indicating compliance with all applicable codes before any person or persons are authorized to occupy any newly installed manufactured home. The Building Official shall issue a certificate of occupancy, if requested, within five working days after satisfactory final code inspection.
  - (2) The Building Official shall require the foundation; the plumbing, electrical and gas connections; and the stairs and landings to be inspected to ensure compliance with the rules and regulations for manufactured homes made and promulgated by the State of Georgia Safety Fire Commissioner, as they now exist and as hereinafter amended, and all applicable building codes.
  - (3) Until the final inspection has been completed and the manufactured home is found to be in compliance with all applicable codes, no permanent power may be installed, and no occupancy shall be permitted.
- (h) **Repair or removal of unoccupied dilapidated mobile homes and manufactured homes.**
- (1) Any mobile home or manufactured home that is unoccupied as stated in Section 107(b)(2)a.3. of this Development Code and dilapidated shall be a nuisance and is declared to be a public nuisance and, at the owner's expense, must be repaired to a state of full compliance with the inspection

standards herein within 30 days of issuance of an order by the Building Official. If the mobile or manufactured home is not repaired then it shall be removed from the county, dismantled and properly disposed of, with the expense of disposal taxed to the owner. In the event that a tenant notifies the County that their manufactured home is uninhabitable or dilapidated, then upon inspection request and fee payment, the County shall inspect said dwelling and report all findings of deficiency to the owner and tenant. The owner shall repair the manufactured home to a state of full compliance with the inspection standards of this Code within the time stated above.

- (2) "Dilapidated" shall mean failure to pass inspection under the standards of Sec. 314(f) and Sec. 303 of this Development Code and the failure to be repaired in accordance with said standards. This provision applies to all mobile homes and manufactured homes regardless of the date of placement of the mobile home or manufactured home on the site.

### **Sec. 315. Outdoor sales space.**

Outdoor sales space for exclusive sale of new or secondhand automobiles, mobile or modular homes, boats and other such items approved in the C-G zoning district further shall comply with the following:

- (1) The lot must be graded, surfaced and drained so as to dispose of all surface water.
- (2) Ingress and egress to the outdoor sales area shall be at least 60 feet from the intersection of any streets.

### **Sec. 316. Public utility installations and buildings**

Public utility installations and buildings, including water towers, water and sewage pumping stations, approved in the C-N and C-G zoning districts further shall comply with the following:

- (1) No storage is permitted at the site.
- (2) The area is fenced in by a wall or fence at least six feet in height.
- (3) A landscaped strip not less than ten feet in width is planted and maintained.

### **Sec. 317. Restaurants and other eating or drinking establishments.**

#### **(a) Restaurants without drive-in service.**

Restaurants and other eating or drinking establishments without drive-in facilities or service approved in the C-N zoning district further shall comply with the following:

- (1) Outside lighting and advertisement arrangements shall be directed away from adjoining residential properties by a suitable planting screen, fence or wall at least six feet in height.

#### **(b) Drive-in restaurants.**

Drive-in restaurants allowed in the C-N and C-G zoning districts further shall comply with the following:

- (1) Outside lighting and advertisement arrangements are directed away from adjoining residential districts, if any.
- (2) Parking service areas are separated from adjoining residential districts if any by a suitable planting screen, fence or wall at least six feet in height.

### **Sec. 318. Single-Family residences.**

In the A-F and the A-R zoning districts:

- (1) On a property zoned A-F or A-R and occupied by the owner of the property, in addition to the owner's single-family dwelling (SFD), one additional SFD will be allowed on the first 3 acres for an employee of the property owner working on the property, or for a family member. Further SFD may be allowed, but shall be limited to one per each additional 3 acres. Each 3 acre area shall meet

all minimum Health Department requirements for wells and on-site septic systems, as applicable, and all other UDC zoning requirements which shall be shown on a County approved Subdivision Sketch Plan prior to issuing a building permit. *[Amended 4-17-12]*

- (2) For the purposes of this Section, the term “family member” shall be limited to the grandparent, parent, brother or sister, child or grandchild of the resident property owner and his or her spouse. *[Amended 4-6-10]*

### **Sec. 319. Temporary offices for a development.**

A temporary construction office or sales office serving a subdivision or other development project while under construction or development, where otherwise allowed, shall meet the following criteria:

(a) **Temporary construction buildings.**

- (1) Temporary buildings used in construction work may be permitted in any zoning district and shall be removed immediately upon completion of final construction, and before a building permit is issued for the lot.
- (2) The temporary construction office may be a manufactured home or industrialized building.

(b) **Temporary sales office**

- (1) Temporary sales office; location.
- a. In all major subdivisions, a permit may be granted for the temporary use of one of the homes to be used as a real estate sales office for sale of the lots or new homes to be built and developed within the boundaries of the development.
- b. The temporary sales office shall be located on a lot within an area that has received Final Plat approval and has been recorded with the Clerk of the Superior Court.
- (2) Temporary sales office; restrictions.
- a. Sales shall be limited to the lots and buildings within the subdivision where the temporary sales office is located, as defined by the recorded Final Plat.
- b. The temporary sales office shall not be a manufactured home except in an approved manufactured home subdivision.
- (3) Temporary sales office; removal.
- The temporary sales office shall be removed within 30 days after Certificates of Occupancy or connections to permanent power have been approved on 90 percent of the lots in the subdivision.

### **Sec. 320. Timbering and forestry.**

Timbering and forestry operations are allowed if the tree removal represents tree harvesting undertaken as a bona fide agricultural activity. *[Amended November 18, 2014]*

(a) **Bona fide agricultural activity.**

The following shall be required in order to qualify tree harvesting as a bona fide agricultural activity:

- (1) Camden County Tax Commissioner has approved the property for a Preferential Agricultural Assessment or a Conservation Use Assessment;
- (2) A tree-harvesting notification has been submitted to the Tax Commissioner, as required by State law;
- (3) There is a contract for delivery of the trees between the tree harvesting company and an end user, such as to a mill or wood pulp company;



- (4) Best Management Practices required by the Georgia Forestry Commission shall be followed. This can be evidenced by a contract between the tree harvesting company and the property owner (the seller) that is consistent with the form and content recommended by the Georgia Forestry Commission; and
  - (5) The tree harvester is currently qualified as a Master Timber Harvester by the Georgia Forestry Commission at the time of the tree harvesting.
- (b) **Restriction on clearance along streams.**
- River and stream buffers required under the Environmental Protection Article of this Development Code shall be protected from all on-site activity and remain in their undisturbed natural state.

### **Sec. 321. Veterinary hospitals or clinics.**

Veterinary hospitals or clinics approved in the C-G zoning district further shall comply with the following:

- (1) All activities shall be conducted within a totally enclosed main building; or
- (2) The lot is of sufficient size and setbacks to disallow nuisances to adjacent properties.

## **DIVISION 3. ADULT ENTERTAINMENTS.**

### **Sec. 322. Adult entertainments; generally.**

- (a) **Purpose.**
- (1) The purpose of this Division is to regulate certain types of businesses generally known as and defined in this Division as adult entertainment establishments. To that end this Division has been enacted in the interests of:
    - a. Promoting the health, safety and general welfare of the residents of the unincorporated area of the county;
    - b. Preserving the quality of life in residential and business areas of the county; and
    - c. Promoting desirable living conditions and sustaining the stability of residential and commercial property values.
  - (2) This Division is intended to reasonably regulate adult entertainment establishments and businesses in order to serve the legitimate governmental interests set out in this Division.
- (b) **Legislative findings of fact.**
- Based upon the results of an investigation and the attendant evidence produced, the board of commissioners finds that:
- (1) The outright prohibition of adult entertainment establishments improperly infringes upon protected forms of expression, but that reasonable regulation of such businesses so as to curtail and prevent pernicious secondary effects is both permissible and desirable.
  - (2) Adult entertainment establishments and businesses, if unregulated, are likely to lead to an increase in illegal sexual activities, drug and alcohol offenses, disorderly conduct and other criminal activity.
  - (3) Law enforcement resources available for responding to problems associated with or created by adult entertainment establishments and businesses are extremely limited due to the growth of the cities and the county, and such resources are best conserved by regulating and licensing adult entertainment establishments.
  - (4) The public health, safety, welfare and convenience of the residents of the unincorporated area of the county require that adult entertainment businesses and establishments and their locations, operations, employees and owners be regulated and licensed in order to reduce the potential for

harm and in order to preserve and protect the quality of life in the residential and business environs of the county.

- (5) The location of adult entertainment establishments and businesses in close proximity to each other adversely affects the property values, causes an increase in crime, and encourages residents and other businesses in proximity to such adult entertainment establishments to move and locate elsewhere.
- (6) There is presently in North Florida, and particularly in the Jacksonville area, and in Southeast Georgia an increasing trend toward nude and seminude acts, exhibitions and entertainment, and toward the utilization of nude and seminude employees engaged in other service-oriented activities and by adult entertainment establishments.
- (7) The commercial exploitation of nudity and semi-nudity consists of the use of nude and seminude entertainment in connection with or for the sale of goods or services, and the receipt of money by the person engaged in nude or seminude entertainment in exchange for or as consideration for a nude or seminude performance by such individual. Competitive commercial exploitation of nudity and semi-nudity is adverse to the public's interest in quality of life and commerce and the total community environment in the county and surrounding areas.
- (8) The commercial exploitation of nude and seminude conduct, acts, exhibitions and entertainment frequently occurs in commercial establishments either selling or allowing the consumption of alcoholic beverages on the premises.
- (9) There is a direct relationship between the consumption of alcoholic beverages concurrently with nude and seminude activities, conduct and entertainment and an increase in criminal activities, disturbances of the peace and good order of the county; and the concurrency of these activities is hazardous to the health and safety of those persons in attendance and tends to depreciate the value of adjoining property and harm the economic welfare of the community as a whole.
- (10) The combination of the sale and/or consumption of alcoholic beverages with the performance of nude and seminude entertainment is inimical and adverse to the public's interest in the quality of life and commerce and quality of the environment of the county.
- (11) It is the duty and responsibility of the board of commissioners to protect and preserve the public health, safety and welfare of the county and its residents, the stability of the value and use of property within the county, and the character of its neighborhoods and developments.
- (12) In order to preserve the public peace and good order, and to safeguard and protect the health, safety and welfare of the county and its citizens, it is necessary and advisable to prohibit nude and seminude acts, exhibitions and entertainment in commercial establishments at which alcoholic beverages are available, sold or consumed.
- (13) In order to preserve the public peace and good order, and to safeguard and promote the health, safety and welfare of the county and its citizens, therefore, it is necessary and advisable to regulate and restrict the conduct of owners, operators, agents, employees, contractors, entertainers, performers, patrons, spectators, clientele and persons on the premises of adult entertainment establishments.

(c) **Definitions related to adult entertainment.**

The following words, terms and phrases, when used in this Division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Adult entertainment establishment* means the premises on which the following defined establishments operate or on which the following defined activities occur:

a. Adult business means:

1. Any business or establishment to which the public is permitted where employees or patrons expose specified anatomical areas or engage in specified sexual activities; or

2. Any other business or establishment to which the public or any portion is permitted which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing, discussing or relating to specified sexual activities or specified anatomical areas.
- b. *Adult bookstore* means an establishment having as a substantial or significant portion of its stock in trade books, magazines or other periodicals, and computer compatible storage and service or any other media distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section, comprising five percent of its total floor space, devoted to the sale or display of such materials or five percent of its net sales consisting of printed materials distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
  - c. *Adult cabaret* means any place where alcoholic beverages are sold for consumption on the premises that features, uses, employs or displays topless dancers, bottomless dancers or nude dancers; go-go dancers; exotic dancers; strippers; or similar entertainers or dancers.
  - d. *Adult hotel/motel* means a business that rents lodging rooms to the public for the purpose of engaging in conduct or entertainment defined as an adult business.
  - e. *Adult mini motion picture theater* means an enclosed building with a capacity of less than 50 persons used for commercially presenting materials distinguished or characterized by an emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas for observation by patrons.
  - f. *Adult motion picture arcade* means any place to which the public is permitted or invited wherein coins or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.
  - g. *Adult motion picture theater* means an enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.
  - h. *Adult video store* means an establishment having a substantial or significant portion of its stock in trade, videotapes or movies or other reproductions and computer compatible storage and service media or any other media, whether for sale or rent, distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section, comprising five percent of its total floor space, devoted to the sale or display of such material or which derives more than five percent of its net sales from videos characterized or distinguished by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
  - i. *Erotic dance establishment* means a nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, go-go dancers, strippers or similar entertainers where such performances are distinguished or characterized by the displaying or exposing of or an emphasis on specified sexual activities or specified anatomical areas.
  - j. *Escort bureaus; introduction services* means any business, agency or persons who, for a fee, commission, hire, reward or profit, furnish or offer to furnish names of persons, or who introduce, furnish or arrange for persons who may accompany other persons to or about social affairs, entertainments or places of amusement or who may consort with others about any place of public resort or within any private quarters.

- k. *Lingerie modeling studio* means a business or establishment to which the public or any portion is permitted whose primary business activity consists of persons exhibiting or modeling lingerie or similar undergarments and characterized or distinguished by an emphasis on specified sexual activities or specified anatomical areas.
- l. *Massage parlor/bathhouse* means any establishment to which the public is permitted or invited and in which services offered include some form of physical contact between employee and patron and in which services offered are characterized or distinguished by an emphasis on specified sexual activities or specified anatomical areas.

*Church* means 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.

*Good moral character* means a person who has not been convicted of a drug-related or alcohol-related felony or sex-related crime or crime involving moral turpitude in the past five years.

*Licensed day care center* means a day care center licensed by the state and/or a local government that provides care, training, education, custody, treatment or supervision for children under 14 years of age, where such children are not related by blood, marriage or adoption to an owner or operator of the facility.

*Minor* means any person under 21 years of age.

*Operator of an Adult Entertainment Premises* means the manager or other person principally in charge of an adult entertainment establishment.

*Owner of an Adult Entertainment Premises* means, 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 five percent of the outstanding shares.

*Residential* means pertaining to the use of land, premises such as homes, townhouses, patio homes, mobile homes, duplexes, condominiums or apartment complexes, which contain habitable rooms for nontransient occupancy and which are designed primarily for living, sleeping, cooking, and eating.

*School* means a public or private facility where persons regularly assemble for the purpose of instruction or education, including any playground, stadium or other related structure.

*Specified anatomical area* includes any of the following:

- a. Less than completely and opaquely covered human genitals or pubic region, buttocks, or female breast below a point immediately above the top of the areola; or
- b. Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

*Specified sexual activities* means and includes any of the following:

- a. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral or anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, saphism, zoerastia;
- b. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence;
- c. Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation;
- d. Fondling or touching of nude human genitals, pubic region, buttocks or female breast;
- e. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
- f. Erotic or lewd touching, fondling or other sexual contact with an animal by a human being; or
- g. Human excretion, urination, menstruation, vaginal or anal irrigation.

(d) **Adult entertainment establishment regulations.**

Adult entertainment establishments shall comply with the following regulations concerning their operation:

- (1) An adult entertainment establishment may be open only between the hours of 8:00 a.m. and 2:00 a.m., Monday through Friday, and from 8:00 a.m. Saturday through 12:00 midnight on Sunday.
- (2) No adult entertainment establishment shall serve, sell, distribute or suffer the consumption or possession of alcoholic beverages or controlled substances upon its premises.
- (3) All adult entertainment establishments shall conspicuously display the permit required by this Division.
- (4) No person under the age of 21 years shall be admitted to an adult entertainment establishment for any purpose or reason.
- (5) Merchandise or activities of the establishment shall not be visible from any point outside the establishment.

(e) **Erotic dance establishment regulations.**

- (1) In addition to the regulations set forth in Sec. 322(d), erotic dance establishments shall be subject to and shall comply with the following regulations:
  - a. No person shall advertise or cause to be advertised an erotic dance establishment without a valid adult entertainment establishment license or permit issued pursuant to this Division.
  - b. No later than February 1 of each year, an erotic dance establishment shall file a verified report with the County Manager showing the permittee's gross receipts and amounts paid to dancers for the preceding calendar year.
  - c. An erotic dance establishment permittee shall maintain and retain for a period of two years the names, addresses and ages of all persons employed as dancers.
  - d. No adult entertainment establishment permits shall employ or contract with as a dancer a person under the age of 21 years of age or a person not licensed pursuant to this Division.
  - e. All dancing shall occur on a platform intended for that purpose, which is raised to at least two feet from the level of the floor.
  - f. No dancing shall occur closer than ten feet to any patron.
  - g. No dancer shall fondle or caress any patron, and no patron shall fondle or caress any dancer.
  - h. No patron shall directly pay or give any gratuity to any dancer.
  - i. No dancer shall solicit any pay or gratuity from any patron.
  - j. All areas of an establishment licensed under this Division shall be fully lighted at all times patrons are present. Full lighting shall mean illumination equal to 3.5 foot-candles per square foot.
- (2) If any portion or subsection of this section or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder or application to other persons or circumstances shall not be affected.

(f) **Certain activities prohibited.**

No person shall publicly display or expose or suffer the public display or exposure, with less than a full, opaque covering, any specified anatomical area in a lewd and obscene fashion.

(g) **On-premises operator required.**

An adult entertainment establishment shall have a designated person to serve as an on-premises operator. The operator shall be principally in charge of the establishment and shall be located on the premises during all hours of operation.

(h) **Admission of minors unlawful.**

- (1) It shall be unlawful to allow a person younger than 21 years of age to enter an adult entertainment establishment.
- (2) It shall be the duty of the operator to ensure that an attendant is stationed at each public entrance to the establishment at all times during the establishment's operating hours. It shall be the duty of the attendants to not allow any person under the age of 21 years to enter the establishment. It shall be presumed that an attendant knew a person was under the age of 21 years unless such attendant asked for and was furnished:
  - a. A current, valid operator's, commercial operator's or chauffeur's driver's license;
  - b. A valid personal identification certificate issued by the state department of public safety reflecting that such person is 21 years of age or older; or
  - c. A current, valid military identification certifying that such person is 21 years of age or older.

(i) **Sales to minors unlawful.**

It shall be unlawful for any person to sell, barter or give or to offer to sell, barter or give to any minor any service, material, device or thing sold or offered for sale by an adult bookstore, adult motion picture theater, adult bathhouse or massage parlor or adult dancing establishment or other adult entertainment facility.

(j) **Location; building and signage restrictions.**

- (1) No adult entertainment establishment or use restricted under this Division shall be located:
  - a. Within 1,000 feet of any parcel of land either zoned or used for residential uses or purposes.
  - b. Within 1,000 feet of any parcel of land upon which a church, school, governmental building, library, licensed day care facility, civic center, public park or playground is located.
  - c. Within 1,000 feet of any parcel of land upon which another establishment regulated or defined under this Division is located.
  - d. Within 1,000 feet of any parcel of land upon which any other establishment selling alcoholic beverages is located.
  - e. On less than one acre of land containing at least 400 feet of road frontage on a public right-of-way.
- (2) A minimum of one parking space shall be provided for every 100 square feet of gross building area, or for every three customer seats, whichever is greater.
- (3) Signage for such establishments shall be limited to one freestanding sign not to exceed 25 square feet of copy area (total of all sides), and one wall sign not to exceed 25 square feet. Maximum sign height shall not exceed ten feet from ground to highest point of the sign. Minimum sign setbacks shall be ten feet from any property line or street right-of-way line.
- (4) Buildings and structures operated and maintained in connection with an adult entertainment establishment shall be set back at least 40 feet from any property line.
- (5) For the purposes of this section, all distances shall be measured along a straight line that describes the shortest distance between the property lines.

(k) **Violations; penalties.**

Any person violating the provisions of this Division shall be guilty of a misdemeanor, punishable as provided in section 1-19 of the Official Code of Camden County. In addition to such punishment, violation of this Division shall also be grounds for immediate suspension or revocation of the permit issued under this Division.

(l) **Unlawful operation declared nuisance.**

Any adult entertainment establishment operated, conducted or maintained contrary to the provisions of this Division is unlawful and a public nuisance. The county may, in addition to or in lieu of prosecuting a criminal action under this Division, commence an action or proceeding for abatement, removal or enjoinder in the manner provided by law. It shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate or remove such adult entertainment establishment and restrain and enjoin any person from operating, conducting or maintaining an adult entertainment establishment contrary to the provisions of this Division. In addition, violation of the provisions of this Division shall be per se grounds for suspension or revocation of permit granted under this Division.

(m) **Cleaning of licensed premises.**

Each licensed premises shall be maintained in a clean and sanitary condition and shall be cleaned at least once daily and more frequently when necessary. This activity shall be supervised by the person in charge of the licensed premises. There shall be provided adequate facilities, equipment and supplies on the licensed premises to meet this requirement; and adequate ventilation and illumination shall be provided to permit thorough, complete cleaning of the entire licensed premises. Trash and garbage shall not be permitted to accumulate or to become a nuisance on or in the immediate vicinity of the licensed premises but shall be disposed of daily or as often as collections permit.

(n) **Self-inspection of licensed premises.**

The permittee of a licensed premises or his designated representative shall make sanitary inspections of the licensed premises at least once a month and shall record his findings on a form supplied by the county building official. Each licensed premises shall post and maintain in a readily accessible place a schedule for maintaining the sanitation of the premises.

(o) **Sealing for unsanitary or unsafe conditions.**

A licensed premises or any part of the premises may be sealed by order of the county building official on his finding of a violation of this Division resulting in an unsanitary or unsafe condition. Prior to sealing, the building official shall serve on the permittee, by personal service on him or by posting in a conspicuous place on the licensed premises, a notice of the violation and order to correct it within 24 hours after service. If the violation is not so corrected, the building official may physically seal that portion of the licensed premises causing the violation and order the discontinuance of its use until the violation has been corrected and the seal removed by the building official. The building official shall affix to the sealed premises a conspicuous sign labeled "Unclean" or "Unsafe" as the case may be.

(p) **Abatement as a sanitary nuisance.**

A licensed premises or any part of the premises may be abated as a sanitary nuisance.

(q) **Notices, registered agent, jurisdiction.**

- (1) All licensed establishments must have and continuously maintain in the county a registered agent upon whom any process, notice or demand required or permitted by law or under this Division to be served upon the permittee may be served. This person shall act as registered agent for the operator and each owner collectively. This person must be a resident of the county. The operator may be appointed as the registered agent if he is a resident of the county. The permittee shall file the name of such agent, along with the written consent of such agent, with the County Manager as part of the permit application. By appointing such registered agent, and as a condition of the issuance of a permit pursuant to the terms of this Division, the permittee agrees that any legal action brought by the county against the adult entertainment establishment or the permittee (which in-

cludes the operator or any owner) to enforce the provisions of this Division may be filed in any court of competent jurisdiction in the county.

- (2) Any notice required or permitted to be given by the County Manager or any office, division, department or other agency under this Division to any permittee, operator or owner of an adult entertainment establishment, may be given by either:
- a. Personal delivery; or
  - b. Certified United States mail addressed to the permittee's registered agent at the most recent address specified in the agent's written consent form received by the County Manager, or any notice of address change that has been received by the County Manager.

If personally delivered, the notice's effective date shall be the date of delivery. If mailed, the notice's effective date shall be two days after the notice is placed in the mail.

(r) **Conditions of adult entertainment establishment approval.**

- (1) All adult entertainment establishments shall be kept in a clean, sanitary condition and shall be in full compliance with all applicable ordinances and regulations of the county and the state.
- (2) The county health department shall have the authority to regularly inspect adult entertainment establishments to determine compliance with all applicable health rules and regulations and report any violations to the county building official.
- (3) The county fire department shall have the authority to regularly inspect adult entertainment establishments located within the county to determine compliance with all applicable fire regulations and report any violations to the building official.
- (4) The building official shall have the authority to regularly inspect adult entertainment establishments to determine compliance with all applicable building and other technical codes of the city and the county.
- (5) The sheriff's department shall have the authority to periodically inspect adult entertainment establishments to determine compliance with all provisions of this Division or other applicable laws and report any violations to the building official.

(s) **Limitations.**

Nothing contained in this Division shall be deemed to permit or condone any activity whatsoever which is otherwise declared to be obscene or illegal by any applicable code, regulation or statute that violates any jurisdictional prohibition upon nudity or sexual activity. Further, the activities and uses regulated and permitted by this Division shall only be allowed if they are not obscene and not in violation of any other such prohibitions on nudity or sexual activity. This section shall supersede and limit all other provisions of this Division.

**Sec. 323. Adult entertainment establishment permit.**

(a) **Required.**

It shall be unlawful for any person to engage in, conduct or carry on in or upon any premises within the county any of the adult entertainment establishments defined in this Division without a permit to do so.

(b) **Operation of unlicensed premises unlawful.**

It shall be unlawful for any person to operate an adult bookstore, adult motion picture theater, adult mini motion picture theater, adult hotel or motel, adult motion picture arcade, cabaret, escort bureau or adult business or erotic dance establishment unless such business shall have a currently valid license or permit, or shall have made proper application for renewal within the time required under this Division, which permit shall not be under suspension or permanently or conditionally revoked.



(c) **Application for permit.**

See Article 12, Procedures and Permits, of this Development Code regarding permit applications and process for adult entertainment establishments.

(d) **Renewal.**

Permits for adult entertainment establishments may be renewed on a year-to-year basis, provided the permittees continue to meet the requirements set out in this Division. The renewal fees for the adult entertainment establishment permits shall be established by resolution of the board of commissioners, as set forth in the schedule of fees and charges on file in the office of the county clerk.

(e) **Nontransferable.**

No adult entertainment establishment permit may be sold, transferred or assigned by a permittee, or by operation of law, to any other person. Any such sale, transfer or assignment or attempted sale, transfer or assignment shall be deemed to constitute a voluntary surrender of such permit, and such permit shall thereafter be null and void; however, if the permittee is a partnership and one or more of the partners should die, one or more of the surviving partners may acquire, by purchase or otherwise, the interest of the deceased partner without effecting a surrender or termination of such permit, and in such case the permit, upon notification to the county, shall be placed in the name of the surviving partner. An adult entertainment establishment permit issued to a corporation shall be deemed terminated and void when either any outstanding stock of the corporation is sold, transferred or assigned after the issuance of a permit or any stock authorized but not issued at the time of the granting of a permit is thereafter issued and sold, transferred or assigned.

(f) **Change of location and of name.**

- (1) No adult entertainment establishment shall move from the location specified on its permit until a change of location fee established by resolution of the board of commissioners, as set forth in the schedule of fees and charges on file in the office of the county clerk, has been deposited with the county and approval has been obtained from the county administrator and the planning and zoning director. Such approval shall not be given unless all requirements and regulations as contained in this Code have been met.
- (2) No permittee shall operate, conduct, manage, engage in or carry on an adult entertainment establishment under any name other than his name and the name of the business as specified on his permit.
- (3) Any application for an extension or expansion of a building or other place of business where an adult entertainment establishment is located shall require inspection and shall comply with the provisions and regulations of this Division.

(g) **Revocation.**

- (1) The County Manager shall be authorized to suspend or revoke an adult entertainment establishment permit or license under the conditions set forth in this section. If the County Manager seeks to suspend or revoke a permit, the County Manager shall give written notification to the permittee of such action and such notice shall contain a specification of the violation.
- (2) The County Manager may suspend or revoke a permit in the event of any of the following:
  - a. A permittee gave false or misleading information in the application or renewal process;
  - b. A permittee knowingly allowed possession, use or sale of controlled substances on the premises, or the permittee did not make a reasonable effort to prevent such occurrence;
  - c. A permittee violated or knowingly allowed violation of any provision of this Division, any other ordinance of the county, or any criminal law of the state to occur on the premises; or the permittee did not make a reasonable effort to prevent such violation;
  - d. A permittee has been convicted of any drug-related, alcohol-related, or sex-related crime and/or a crime involving moral turpitude by the state or the county regarding any offense

that was committed on the premises, or that would otherwise violate the provisions of this Division;

- e. A permittee failed to pay any fee, application/permit fee, fine or other amount of money due to the county under this Division or any other ordinance of the county; or
  - f. A permittee has, after the date of the original application and floor plan approval, made interior floor plan alterations without first obtaining approval, and such alterations involve the addition of private viewing rooms, cubicles, booths or similar areas.
- (3) If the County Manager determines that a permit violation has occurred, such permit shall be suspended for 30 days for the first violation. For a second violation, the permit shall be suspended for 60 days. For a third and all subsequent violations, the permit shall be suspended for 90 days. Any permit that has been suspended three or more times in any consecutive 12-month period shall be revoked. In addition, any permittee found to be in violation of subsections (1), (2) and (4) of Sec. 322(d) shall be subject to immediate permit revocation; however, a permittee shall be allowed to continue business operations until the date of the hearing scheduled in accordance with Sec. 323(h). No permittee or any other applicant may apply for a permit for the same premises during any period of suspension or revocation.
- (4) If a permit is suspended or revoked by the County Manager, the permittee may appeal the decision of the County Manager to the board of commissioners by filing a written notice of appeal with the County Manager within ten days from the effective date of written notice received by the permittee in accordance with subsection (a) of this section. The notice of appeal shall be accompanied by a memorandum or other writing, setting out fully the grounds for such appeal and all supporting arguments. The county attorney may submit a memorandum in response to the memorandum filed by the permittee upon appeal to the board of commissioners. The County Manager's decision shall be final unless an appeal is timely filed. An appeal shall stay the County Manager's decision until the appeal is heard or withdrawn. The County Manager shall place the appeal on the agenda of the next regular meeting of the board of commissioners occurring not less than five, or more than 30 days after receipt of appeal.

(h) **Appeal procedure.**

See Article 13, Appeals, of this Development Code regarding an adverse determination affecting an adult entertainment establishment.

## **Sec. 324. Employees.**

(a) **Qualifications.**

Employees of an adult entertainment establishment shall be not less than 21 years of age. Every employee must be of good moral character. Any employee who is convicted of a crime constituting a felony or a crime not a felony involving moral turpitude while employed as an adult entertainment establishment employee shall not thereafter work on any licensed premises for a period of five years from the date of such conviction unless a longer time is ordered by a court of competent jurisdiction. The term "convicted" shall include an adjudication of guilt on a plea of guilty or *nolo contendere* or the forfeiture of a bond when charged with a crime, and the terms "employed on the licensed premises" and "work on any licensed premises" shall include as well work done or services performed while in the scope of employment elsewhere than on the licensed premises.

(b) **Approval for employment.**

Before any person may work on a licensed premises, he shall file a notice with the County Manager of his intended employment on forms supplied by the County Manager and shall receive approval of such employment from the County Manager. The prospective employee shall apply such information as the County Manager requires, including but not limited to date of birth, social security number, current address, current telephone and pager numbers, two color photographs of the prospective employee at least two inches by two inches taken within the preceding six months, and set of fingerprints, on regular sheriff department's forms or United States Department of Justice forms. Upon approval, the employee may begin working on the licensed premises. If ap-

proval is denied, the prospective employee may, within ten days of the denial, apply to the County Manager for a hearing. The decision of the County Manager after hearing may be appealed to the board of commissioners, which may issue such order as is proper in the premises. An investigation fee as set forth in the schedule of fees and charges on file in the office of the county clerk shall accompany the notice of intended employment or a receipt of the County Manager evidencing the payment of such fee at the time the notice is filed.

(c) **Suspension, revocation of license or permit.**

Violation of the provisions of this Division, other ordinances of the county, laws and regulations of the state, or the rules and regulations of the county shall subject an employee to suspension or revocation of license or permit.

(d) **Independent contractors.**

For the purpose of this Division, independent contractors shall be considered as employees and shall be licensed as employees, regardless of the business relationship with the owner or permittee of any adult entertainment establishment.

## **DIVISION 4. TELECOMMUNICATIONS.**

### **Sec. 325. Purpose.**

The purpose of this Division is to establish guidelines for the siting of all wireless, cellular, television and radio telecommunications towers and antennas. The goals of this Division are:

- (1) To encourage the location of towers in nonresidential areas;
- (2) To minimize the total number of towers within the community necessary to provide adequate personal wireless services to residents of the county;
- (3) To encourage the joint use of new and existing tower sites among service providers;
- (4) To locate telecommunication towers and antennas in areas where adverse impacts on the community are minimized;
- (5) To encourage the design and construction of towers and antennas to minimize adverse visual impacts; and
- (6) To enhance the ability of the providers of telecommunications services to deliver such services to the community effectively and efficiently; and
- (7) To improve the County's 911 telecommunication system, and furthermore, to improve the public utility and public safety communication system, including, without limitation, roads and bridges communication systems in the interest of the public health, safety and welfare the Camden County Board of Commissioners does hereby declare that the county shall be afforded the opportunity to place public safety communication equipment on the tower and the necessary ground real estate for all applicable supporting infrastructure at no charge (except for reinforcing the existing tower design).*[Amended September 16, 2014]*

### **Sec. 326. Definitions related to telecommunications.**

*Alternative tower structure* means clock towers, bell towers, church steeples, light/power poles, electric transmission towers, manmade trees (without accessory building/structures), and similar natural or manmade alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

*Antenna* means any exterior apparatus designed for wireless telecommunication, radio or television communications through the sending and/or receiving of electromagnetic waves (including analog and digital).

*Co-location* means the placement of the antennas of two or more service providers upon a single tower or alternative tower structure.

*Department* means the county planning and building department.

*Director* means the county planning and development director or his/her designee.

*FAA* means the Federal Aviation Administration.

*FCC* means the Federal Communication Commission.

*Geographic antenna placement area* means the general vicinity within which the placement of an antenna is necessary to meet the engineering requirements of an applicant's cellular network or other broadcasting need.

*Governing authority* means the County Board of Commissioners.

*Height of tower:* When referring to a telecommunications tower, shall mean the distance measured from ground level to the highest point on the tower structure or appurtenance.

*Preexisting towers and antennas* means any tower or antenna for which a permit has been properly issued prior to the effective date of this Division.

*Scenic views* are those geographic areas containing visually significant or unique natural features.

*Tower* means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telecommunication towers, manmade trees (with accessory building/structures) and other similar structures.

*Visual quality* means is the appropriate design, arrangement and location of tower structures in relation to the built or natural environment to avoid abrupt or severe differences.

## **Sec. 327. Application of the telecommunications regulations.**

### **(a) District height limitations.**

Except as set forth in Sec. 327(c), the requirements of this Division shall govern the location of telecommunications towers that exceed, and antennas that are installed at a height in excess of 50 feet.

### **(b) Government exemption.**

The provision of this Division shall not apply to governmental facilities and structures. Private facilities and structures proposed for placement on governmentally owned property shall not be exempt.

### **(c) Amateur radio; receive-only antennas.**

This Division shall not govern any tower, or the installation of any antenna, that is 75 feet or less in height and is owned and operated by a federally-licensed amateur radio station operator from the operator's residence, or is used exclusively as a receive-only antenna.

### **(d) Pre-existing towers and antennas.**

Any tower or antenna for which a permit has been properly issued prior to the effective date of this Division, other than the requirements in Sec. 328(j) and Sec. 328(k). Any such towers or antennas shall be referred to in this Division as "preexisting towers" or "preexisting antennas."

If an additional antenna is co-located upon a preexisting tower after adoption of this Division, then fencing and landscaping requirements in Sec. 328(g) and Sec. 328(h), shall be met as part of the permitting process.

**Sec. 328. General provisions.****(a) Principle or accessory use.**

A tower and/or antenna is considered a principle use if located on any lot or parcel of land as the sole or primary structure, and is considered an accessory use if located on a lot or parcel shared with a different existing primary use or existing structure. An existing use or structure on the same lot or parcel shall not preclude the installation of an antenna or tower. For purposes of determining whether the installation of a tower or an antenna complies with zoning district requirements, including but not limited to set-back, buffer and other requirements, the dimensions of the entire lot or parcel shall control, even though the antenna or tower may be located on a leased area within such lot or parcel. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this Division shall not be deemed to constitute the expansion of a nonconforming use or structure.

**(b) Inventory of existing sites.**

To facilitate the co-location of antennas, each applicant seeking to locate a new tower, alternative tower structure or antenna, or modify any such existing structure, shall provide to the department an inventory of its existing towers or alternative tower structures. Applicants seeking to erect an amateur radio tower or antenna shall be exempt from this provision.

The inventory shall include all such structures that are within the jurisdiction of the governing authority; within a municipality located in whole or part, within the county or within one-quarter mile of the border of the county, and shall include specific information about the location (latitude and longitude coordinates), address, owner, height, design, tower type, general suitability for antenna co-location of each tower, and other pertinent information as may be required by the department. The department may share such information with other applicants for a tall structure permit under this chapter or other organizations seeking to locate towers or antennas within the jurisdiction of the governing authority, provided, however that the department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

**(c) Co-location design requirements.**

In addition to all applicable building and safety codes, all towers, except amateur radio towers, shall be designed to accommodate the co-location of cellular telecommunication antennas according to the following:

- (1) For towers up to 150 feet in height, the structure and fenced compound shall be designed to accommodate at least two providers, and county emergency communications equipment, if allowed, and *[Amended September 16, 2014]*
- (2) For structures greater than 150 feet in height, the structure and fenced compound shall be designed to accommodate at least three providers and county emergency communications equipment, if allowed. *[Amended September 16, 2014]*

**(d) Co-location; availability of suitable existing structures.**

No new tower, except amateur radio towers, shall be permitted unless the applicant demonstrates to the satisfaction of the department and the board of commissioners that no existing tower or existing alternative tower structure can accommodate the applicant's proposed antenna. All evidence submitted shall be signed and sealed by appropriate licensed professionals or qualified industry experts. Evidence submitted to demonstrate that no existing tower or structure can accommodate the proposed antenna shall consist of the following:

- (1) That no existing towers or suitable alternative tower structures are located within the geographic antennas placement area required to meet the applicant's engineering requirements.
- (2) That existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
- (3) That existing towers or structures do not have sufficient structural strength to support the applicant's antenna and related equipment.

- (4) That the applicant's proposed antenna(s) would cause electromagnetic interference with the antenna(s) on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
  - (5) That the cost or contractual provisions required by the tower owner to share an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  - (6) That the applicant adequately demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- (e) **Permitted zoning districts.**
- (1) If it is adequately demonstrated that antenna co-location, as required in Sec. 328(d) above, is not possible for a given geographic antenna placement area, constructing a new tower, including placement of additional buildings or other supporting equipment used in connection with said tower or antenna, may be permitted in the following zoning districts:
    - a. A-F (general agriculture-forestry)
    - b. A-R (residential agriculture)
    - c. PD (planned development, in a nonresidential area of the project)
    - d. C-G (general commercial)
    - e. C-I (interchange commercial)
    - f. I-R (restricted industrial)
    - g. I-G (general industrial)
  - (2) Provided, however, that all structures shall meet the setback, screening and buffer requirements contained herein, and are located a minimum distance of the height of the tower from any residentially-zoned property (not including A-R). (Meaning --if the tower is 300 feet high it is a minimum of 300 feet from any residential property, i.e., R-1, R-2, R-3, or MHP. This is applicable to the tower and not the guide wires.)
- (f) **Aesthetics.**
- The guidelines set forth in this section shall govern the design and construction of all towers, and the installation of all antennas, governed by this Division.
- (1) Towers and/or antennas shall either maintain a galvanized steel or concrete finish or subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
  - (2) At all tower sites, the design of all buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and building environment.
  - (3) For antennas installed on a structure other than a tower, the antenna and supporting electrical and mechanical ground equipment shall be of neutral color so as to make the antenna and related equipment visually unobtrusive.
  - (4) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and shall approve the design that would cause the least disturbance to the surrounding views.
  - (5) No signage or other identifying markings of a commercial nature shall be permitted upon any tower or alternative tower structure within the county.
- (g) **Setbacks and separation.**
- The following setbacks and separation requirements shall apply to all towers.

- (1) Towers shall be setback a distance equal to one-third of the height of the tower from its base to any public right-of-way or property line of the lot or parcel containing the tower.
- (2) Guy wires and accessory buildings and facilities shall meet the minimum setbacks of the zoning district in which the tower is located.
- (3) Towers over 150 feet in height shall not be located closer than 1,500 feet from any existing tower that is over 150 feet in height, unless they are located on the same parcel. This requirement shall not apply to amateur radio towers.

(h) **Security fencing/anti-climbing devices.**

All towers and supporting equipment shall be enclosed by fencing not less than six feet in height and shall also be equipped with appropriate anti-climbing devices. Fencing shall be of chain link, wood, or other approved alternative. Amateur radio towers and antennas, or receive-only antennas shall not be subject to the provisions of the section unless required by the board of commissioners through the tall structure permit process.

(i) **Landscaping.**

The following requirements shall govern landscaping surrounding all towers.

- (1) Where adequate vegetation is not present, tower facilities shall be landscaped with a landscaped strip of plant materials that effectively screens the view of the tower compound. Landscaped strips shall be a minimum of 15 feet in width and located outside the fenced perimeter of the compound. (Perimeter around the entire fenced compound portion of the tower site. Not to be confused with the leased area that may be in the seven acre range for a typical 300-foot tower and is not intended to include the fenced area around the base of the guide wires.)
- (2) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. Where natural vegetation around the perimeter of the site would provide an adequate visual screen, an undisturbed buffer may be utilized.

Amateur radio towers and antennas, or receive-only antennas shall not be subject to the provisions of this section unless required by the board of commissioners through the tall structure permit process.

(j) **Review of tower and antenna erection by airport division.**

If upon receipt of an application for the erection of any tower or alternative structure governed by this Division, the department deems that the proposed structure may interfere with the use of the airways of the county by the public or interfere with the operation of existing or proposed airport facilities, a copy of the application shall be submitted by the department to the airport division of the department of transportation for review and recommendations.

(k) **Federal requirements.**

All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, the owners of the towers and antennas governed by this Division shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense. Any such removal by the governing authority shall be in a manner provided in O.C.G.A. §§ 41-2-7 through 41-2-17.

(l) **Building codes: safety standards.**

To ensure the structural integrity of towers, the owner, permittee or subsequent lessee of a tower or alternative tower structure shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industry Association, as amended from time to time. If, upon inspection, the department concludes that a tower fails to comply with all applicable codes and standards, or constitutes a danger to persons or property, then upon receipt of

written notice by the owner, permittee, or lessee of the tower, said party shall have 15 days to bring the tower into compliance with such standards. If the owner, permittee or lessee fails to bring the tower into compliance within the 15 days, the governing authority may remove the tower at the owner, permittee or lessee's expense. Prior to the removal of any tower, the department may consider detailed plans submitted by the owner, permittee, or subsequent lessee for repairs of substandard towers, and may grant a reasonable extension of the above referenced compliance period. Any such removal by the governing authority shall be in the manner provided in O.C.G.A. §§ 41-2-7 through 41-2-17.

(m) **Change of ownership notification.**

Upon the transfer of ownership of any tower, alternative tower structure or parcel upon which such a structure has been erected, the tower permittee shall notify the department of the transaction in writing within 30 days.

**Sec. 329. Administrative approvals.**

(a) **Administrative approval; authorized.**

The department may administratively approve the placement of additional antenna(s) upon towers or alternative tower structures as set forth in this section. See Article 12, Procedures and Permits, of this Development Code regarding administrative approval provisions and limitations.

(b) **Uses allowed by administrative approval.**

The following uses may be approved by the department after conducting an administrative review:

- (1) Installation of an antenna on any alternative tower structure (such as a building, sign, light pole, water tower, or other freestanding nonresidential structure), and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as such addition does not add more than 20 feet to the height of the existing structure; subject to the zoning district restrictions of Sec. 328(e).
- (2) Installation of an antenna on a pre-existing tower of any height, and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than 20 feet to the height of said pre-existing tower.

**Sec. 330. Tall structure approval required.**

(a) **General.**

If the proposed location, height, setback, or other aspect of a tower or antenna cannot comply with the minimum requirements established in Sec. 329 of this Division, then a tall structure approval shall be required for the construction of a tower or the placement of an antenna in any permitted zoning district. See Article 12, Procedures and Permits, of this Development Code regarding the review and approval of tall structure permits.

**Sec. 331. Removal of abandoned towers and antennas.**

Any tower or antenna that is not operated for a continuous period exceeding 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the structure within 90 days of receipt of notice from the department notifying the owner of such abandonment. If said tower or antenna is not removed within said 90 days, the governing authority may, in the manner provided in the O.C.G.A., §§ 41-2-8 through 41-2-17, remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease utilizing the tower.

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