

Article 1. Adoption, Purpose and Applicability

Effective January 1, 2009, as Amended through April 6, 2010

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Article 1. Adoption, Purpose and Applicability

Effective January 1, 2009, as Amended through April 6, 2010

This Article provides for the adoption of the Unified Development Code, sets out its purpose and intent, describes the lands and development to which the Code applies, shelters approved permits from changes in the regulations, and provides for the continuation of preexisting uses, structures, lots and signs that are not in conformity with the provisions of this Code.

Sec. 101. Title.

This Code shall be known as and may be cited as “The Unified Development Code of Camden County, Georgia” or, for brevity, “The Development Code,” and may be referred to herein as “this Code.”

Sec. 102. Authority.

- (1) This Development Code is adopted under authority of Article 9, Section 2, Paragraphs 1, 3 and 4 of the Constitution of the State of Georgia, and pursuant to the Zoning Procedures Law (O.C.G.A. 36-66-1 *et seq.*) and other applicable laws enacted by the General Assembly, for purposes of promoting the health, safety, aesthetics, convenience, order, prosperity or the general welfare of the present and future inhabitants of Camden County as contained and detailed herein.
- (2) Pursuant to the statement of purpose and intent herein, and the authority and requirements of the Georgia Zoning Procedures Law (O.C.G.A. § 36-66-1 *et seq.*) and other applicable State laws and requirements, this Development Code contains provisions regulating:
 - a. The location, height, bulk and size of buildings and other structures;
 - b. The percentage of the lot which may be occupied by structures, and the sizes of yards and other open spaces;
 - c. The density and distribution of population;
 - d. The uses of buildings, structures and lands for trade, industry, residence, recreation, agriculture, forestry, conservation, water supply, sanitation, public safety, public activities, preservation of scenic and natural areas, and other purposes; and the creation of districts for said purposes and establishing the boundaries thereof;
 - e. The protection against floods, rising waters and erosion;
 - f. The orderly and efficient subdivision and development of lands and buildings;
 - g. The definitions of certain terms used herein;
 - h. The method of administration, appeal, amendment and enforcement;
 - i. The provision of penalties for violation; and for other purposes.

Sec. 103. Adoption.

Under the authority cited above and for the purposes stated herein, the Board of Commissioners of Camden County does hereby enact as law the Articles and Sections contained in this Unified Development Code.

(a) Components of the development code.

This Code and the official zoning map of the county on file and maintained in the office of the Planning Department shall together constitute the Unified Development Code of Camden County, Georgia, as adopted and as officially amended from time to time.

(b) **Conflict with other regulations.**

Whenever the regulations of this Development Code require more restrictive standards than are required in or under any other statute or covenants, the requirements of this Development Code shall govern. Whenever the provisions of any other statute or covenants require more restrictive standards than those of this Development Code, the provisions of such statutes or covenants shall govern.

(c) **Repeal of conflicting resolutions or ordinances.**

All Resolutions or Ordinances and parts of Resolutions or Ordinances in conflict with this Development Code, other than ordinances and amendments approving the rezoning of land or approving a Special Use of a property, are hereby repealed to the extent of such conflict.

(d) **Severability and validity.**

- (1) Should any Article, Section, paragraph, sentence, clause or word of this Code be declared invalid or unconstitutional by any Court of Competent Jurisdiction, such declaration shall not affect the validity of the Code as a whole nor any part thereof that is not specifically declared to be invalid or unconstitutional.
- (2) It is hereby decreed to be the intention of the Board of Commissioners of Camden County that the Articles, Sections, paragraphs, sentences, clauses and words of this Development Code are severable and if any word or words, clause or clauses, sentence or sentences, paragraph or paragraphs, Section or Sections, Article or Articles of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining words, clauses, sentences, paragraphs, Sections and Articles of this Development Code as the same would have been enacted by the Board of Commissioners of Camden County without the incorporation in this Code of any such unconstitutional word or words, clause or clauses, sentence or sentences, paragraph or paragraphs, Section or Sections, Article or Articles.

(e) **Effective date.**

This Development Code shall take effect on January 1, 2009, following its adoption by the Board of Commissioners of Camden County, Georgia.

Sec. 104. Purpose and intent.

(a) **Purpose of the development code.**

The purpose of this Development Code is to promote the health, safety, morals, aesthetics, convenience, order, prosperity and general welfare of the community, and is intended:

- (1) To lessen congestion in the streets;
- (2) To secure safety from fire, panic and other dangers;
- (3) To provide adequate access to light and air;
- (4) To prevent the overcrowding of land and avoid undue concentration of population;
- (5) To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, in accordance with a comprehensive plan;
- (6) To sustain the character of the county and its suitability for particular uses;
- (7) To promote desirable living conditions and stability of neighborhoods;
- (8) To protect property from blight and depreciation;
- (9) To promote the orderly and beneficial development and expansion of the County;
- (10) To promote the orderly and desirable development of public and private utilities and services;

- (11) To conserve the value of buildings;
- (12) To encourage the most appropriate use of land, buildings and other structures throughout the county;
- (13) To secure economy in government expenditures;
- (14) To encourage the development of an economically sound and stable community so as to help conserve and protect the natural, economic, and scenic resources of Camden County, Georgia;
- (15) To assure the provisions of the required streets, drainage, utilities, and other facilities and services in new land developments to help prevent and reduce traffic congestion, health and safety hazards;
- (16) To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, and to help insure that all building lots will be accessible to firefighting equipment and other emergency and service vehicles;
- (17) To encourage the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, and other public purposes; and
- (18) To assure adequate identification of property on the public records.
- (19) To implement the purposes of the Camden County Comprehensive Plan.

(b) **Purposes of the comprehensive plan.**

The Camden County, Georgia, Comprehensive Plan is intended for the following purposes, among others:

- (1) To guide and direct growth and development in Camden County;
- (2) To protect, preserve and enhance the county's cultural, environmental, economic and social resources;
- (3) To identify current land uses in order to assist the county in making budgetary, utility and other resource allocations;
- (4) To enable Camden County to predict future land uses for planning purposes;
- (5) To assist the county in fulfilling its statutory and other legal obligations; and
- (6) To provide a public document that will serve as a means of general information on land use and development for the citizens of Camden County and other interested parties.

(c) **Intent in interpretation.**

In the interpretation and application of this Development Code all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the property owner; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(d) **Intent relative to private property agreements.**

This Code is not intended to abrogate, annul or otherwise interfere with any private easement, covenant or other agreement or legal relationship between private parties; provided that, when the regulations of this Code are more restrictive or impose higher standards or requirements than such private easements, covenants, or other private agreements or legal relationships, the regulations of this Code shall govern. In no case, however, shall Camden County be required to enforce such private easements, covenants, or other private agreements or legal relationships, whether they are more restrictive or less restrictive than the standards or requirements of this Development Code.

Sec. 105. General applicability.**(a) Lands to which this code applies.**

This Development Code applies to all lands and waters, and the buildings, structures and uses thereon, within the unincorporated areas of Camden County, Georgia.

(b) Special conditions of previous approvals retained.

All special conditions and special stipulations imposed as conditions of approval for any rezoning of land, approval of a Special Use on a property and granting of a variance prior to adoption of this Development Code are hereby retained and reaffirmed, and shall continue in full force and effect until such time as the property is rezoned or the prior zoning action of the Board of Commissioners is amended through the applicable rezoning, Special Use or variance process established by this Code.

(c) Exemptions.**(1) Subdivisions with Prior Approval**

Subdivisions that received preliminary plat approval prior to the adoption of this Development Code shall be allowed to continue development according to said preliminary plat under the Subdivision Regulations in effect at the time the preliminary plat was approved. This provision shall expire 2 years following the date of preliminary plat approval, unless Site Development and/or Construction Plans are approved by the County within that time. Furthermore, Site Development and/or Construction Plans approved pursuant to such subdivisions or approved prior to the adoption of this Development Code shall expire within 1 year from date of approval, unless construction has begun and continuous work is being performed on the project. For the purposes of this Section, "construction" shall mean land preparation (such as clearing, grading and filling) and the installation of streets and/or utilities; and, "continuous work" shall mean the normal progression of construction activities with lapses between construction phases not exceeding 30 calendar days.

(2) Previously Issued Permits.

The provisions of this Development Code and any subsequent amendments shall not affect the validity of any lawfully issued and effective site development plan approval, building permit or development permit if:

- a. The development activity or building construction authorized by the approval or permit has been commenced prior to the effective date of this Development Code or the amendment, or will be commenced after such effective date but within 6 months of issuance of the permit; and
- b. The development activity or building construction continues without interruption (except because of war or natural disaster) until the development or construction is complete. If the approval or permit expires, any further development or construction on that site shall occur only in conformance with the requirements of this Development Code in effect on the date of the permit expiration.

(3) Recently approved rezoning.

In order to provide a smooth transition to the new Unified Development Code, any property rezoned or granted special use approval within the six calendar months preceding adoption of the Unified Development Code, but for which such use is not allowed under the Unified Development Code, shall nonetheless be allowed to be used for such purpose as previously approved, provided that:

- a. A development permit or building permit authorizing such use is issued within six calendar months after the date of adoption of the Unified Development Code; and
- b. The development activity or building construction continues without interruption (except because of war or natural disaster) until the development or construction is complete. If the

permit expires, any further development or construction on that site shall occur only in conformance with the requirements of the Unified Development Code in effect on the date of the permit expiration.

(4) Previously submitted applications.

Any valid and complete application accepted by Camden County prior to adoption of the Unified Development Code for the development of, construction upon or use of land shall be processed and issued under the applicable County regulations in effect prior to adoption of the Unified Development Code, provided that the application is approved within six calendar months after the date of adoption of the Unified Development Code.

(5) Effect of unified development code on exempt properties.

- a. To the extent that exemption under this Sec. 105(c) results in nonconformity with the provisions of this Development Code, such properties shall be governed by the requirements of Sec. 107, Nonconformities.
- b. Any new application for a zoning change, a variance, a preliminary subdivision plat, a site development plan, a development permit, a building permit or any other action affecting a property covered under this Sec. 105(c) shall be considered and applied under the provisions of this Development Code, as applicable.

Sec. 106. Application of the regulations.

Except as hereinafter provided:

(a) **Use, occupancy and construction.**

- (1) No building or structure or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or altered except in conformity with this Development Code.
- (2) All buildings and structures erected hereafter, all uses of land, water, buildings or structures established hereafter, all structural alterations or relocations of existing buildings occurring hereafter, and all enlargements of, additions to, changes in and relocations of existing uses occurring hereafter shall be subject to all regulations of this Development Code which are applicable to the zoning district in which such buildings, structures, uses or land are located.
- (3) Existing buildings, structures and uses that comply with the regulations of this Code shall be subject to all regulations of this Development Code. Existing buildings, structures and uses that do not comply with the regulations of this Development Code shall be authorized to continue subject to the provisions of this Article relating to nonconformities.
- (4) All subdivisions, planned developments and land development projects proposed for approval and permitting hereafter shall be subject to all regulations of this Development Code.

(b) **General prohibitions.**

- (1) No building or structure, and no use of any building, structure, land, or property, and no lot of record, now or hereafter existing, shall hereafter be established, constructed, expanded, altered, moved, diminished, divided, eliminated or maintained in any manner except in conformity with the provisions of this Development Code, including the provisions for nonconforming uses, lots and buildings, as may be applicable.
- (2) No subdivider of a major subdivision shall proceed with any construction work on a proposed subdivision before obtaining preliminary plat approval and issuance of a development permit from the County in conformity with the provisions of this Development Code.
- (3) The transfer of, sale of, or contractual agreement to sell land by reference to or exhibition of, or other use of a plat of a subdivision that has not been given final subdivision plat approval by the

County in conformity with the provisions of this Development Code and recorded in the office of the Clerk of the Superior Court of Camden County is prohibited, and the description by metes and bounds in the instrument of transfer or other document shall not exempt the transaction from compliance with this provision.

- (4) No land dedicated as a public street shall be accepted, opened or improved, nor shall any utilities or other facilities be installed therein, unless:
 - a. Such street shall have been accepted or opened as, or otherwise shall have received the legal status of a public street prior to the adoption of this Development Code; or
 - b. Such street corresponds in its location and lines with a street shown on a final subdivision plat given final approval in conformity with the provisions of this Development Code, with its stamps and signatures properly placed on the plat and said plat has been recorded in the Clerk of the Superior Court's office.
- (5) No building permit shall be issued on a lot that gains its access from a street that has not been improved to the standards required by this Development Code, unless:
 - a. The lot, in its current size and configuration, existed as a legal lot of record on the date of adoption of this Development Code; or
 - b. The lot was created through approval of a subdivision in which improvement of the street was not required under the provisions of this Development Code.

(c) **Division of property.**

- (1) No person shall divide or subdivide or cause a subdivision to be made, by deed or map, of any parcel of land that is located within the boundaries of unincorporated Camden County, except in conformity with the provisions of this Development Code.
- (2) Any owner or developer of any tract of land situated within the county who subdivides the same shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the office of the Clerk of Superior Court of Camden County, Georgia. No such plat of subdivision shall be recorded unless and until it shall have been submitted to and approved by Camden County as provided herein.
- (3) This Development Code bears no relation to any private easement, covenant, agreement or restriction, and the responsibility of enforcing such private easement, covenant, agreement or restriction is not implied herein to any public official. When this Development Code calls for more restrictive standards than those required by private contract, the provisions of this Development Code shall control.

(d) **Height and density.**

No building or structure shall hereafter be erected, constructed, reconstructed or altered to:

- (1) Exceed the applicable height limits established by this Code;
- (2) Be occupied by more dwelling units per acre or occupy a smaller lot area per dwelling unit than are herein required; or
- (3) Have narrower or smaller front, rear or side yards or other open spaces than are herein required or specified; or in any other manner contrary to the provisions of this Development Code.

(e) **Yards and other spaces; service to one building.**

No part of a yard or the off-street parking or loading spaces that are required in connection with any building or use for the purpose of complying with this Development Code shall be included as part of the yard or off-street parking or loading spaces required for another building, except as specifically provided herein.

(f) **One principal building or use on a lot.**

With respect to single-family detached dwellings, only one principal residence and its customary accessory buildings and structures may be erected on any one lot. (See also Sec. 318, Single-family residences in the A-F and A-R Zoning Districts.) *[Amended April 6, 2010]*

(g) **Reduction in lot size.**

No lot shall be reduced in size so that lot width or depth, size of yards, lot area per family or any other requirement of this Development Code is not maintained. This limitation shall not apply when a portion of a lot is acquired for a public purpose.

Sec. 107. Nonconformities.

This Section sets out the provisions that protect uses, structures, lots and signs that lawfully existed prior to the adoption of this Development Code or a subsequent amendment, but no longer conform to the regulations herein. The primary intent of the treatment of nonconformity is to allow continuation of these uses, structures, lots and signs until the end of their useful life, while encouraging conformance to the new regulations when it becomes reasonable to do so.

(a) **Nonconforming development; in general.**

- (1) Lawful nonconforming uses, structures, lots and signs are declared by this Development Code to be incompatible with land uses, structures, lots and signs that conform to the requirements of the zoning districts in which the nonconformity exists. However, such nonconforming development may continue under the circumstances presented in this Section for each type of nonconformity.
- (2) For the purpose of this Sec. 107, "value" shall be computed from the amount a building or structure, as applicable, is appraised for tax purposes by Camden County.

(b) **Nonconforming uses.**

- (1) Nonconforming uses; defined.

A nonconforming use is a use or activity that was lawfully established prior to the adoption or amendment of this Development Code, but which, by reason of such adoption or amendment, is no longer a use or activity permitted by right or no longer meets or conforms to the requirements of this Development Code.

- (2) Continuance of nonconforming uses.

- a. To avoid undue hardship, the lawful but nonconforming use of any structure or land at the time of the enactment of this Development Code or any subsequent amendment may be continued even though the use does not conform to the provisions of this Development Code, except that the nonconforming use shall not be:
 1. Extended to occupy a greater land area;
 2. Extended to occupy a greater area of a building or structure unless such additional area of the building or structure existed at the time of the adoption or amendment of this Development Code and was clearly designed to house the same use as the nonconforming use occupying the other portion of the building or structure;
 3. Reestablished after discontinuance for 12 months (or 24 months for agricultural uses which require rotation); or
 4. Changed to another nonconforming use.
 5. The nonconforming use of a property for occupancy by a manufactured home may not be resumed once the manufactured home is removed from the property unless the manufactured home is being replaced by a manufactured home that was manufactured more recently than the one being replaced, and the replacement manufactured home meets or exceeds all provisions relating to manufactured homes in this Development

Code (including the manufactured home inspection standards of Article 3 of this Development Code). *[Amended December 1, 2009]*

- b. A conforming building occupied by a nonconforming use at the time of adoption or amendment of this Development Code may be retained under the following circumstances:
 1. The building shall not be enlarged or altered except for occupancy by a conforming use. It may be repaired to the extent necessary to maintain it in a safe and sanitary condition;
 2. If the building is damaged or destroyed by natural disaster, fire or other causes to the extent of 60 to 100 percent of its value, it may be rebuilt and occupied only in conformance with the requirements of this Development Code;
 3. If the building is damaged by natural disaster, fire or other causes to the extent of between 1 and less than 60 percent of its value, it may be repaired and reoccupied by the original nonconforming use, if completed within twelve months.
- c. If an existing use was lawfully established in a zoning district that is subsequently amended to require Special Use approval for such use, the existing use shall not be considered a nonconforming use and shall not be subject to the provisions of this Subsection.

(c) **Nonconforming structures.**

- (1) Nonconforming structures; defined.

A nonconforming structure is a structure or building whose size, dimensions, location on a property or other features were lawful prior to the adoption or amendment of this Development Code, but which, by reason of such adoption or amendment, no longer meets or conforms to one or more such requirements of this Development Code.

- (2) Continuance of nonconforming structures.

- a. A nonconforming structure may continue to be occupied and used by a conforming use, except that:
 1. A nonconforming structure shall not be repaired, rebuilt or altered after damage or destruction to the extent of 60 to 100 percent of its pre-damage value, unless the structure is an owner-occupied dwelling, which may be repaired, rebuilt or altered to its original configuration;
 2. A nonconforming structure may be repaired, rebuilt or altered to its original configuration after damage or destruction to the extent of between 1 and less than 60 percent of its pre-damage value, provided that allowed reconstruction begins within 1 year after the damage or destruction is incurred;
 3. A nonconforming structure shall not be enlarged or altered in a way that increases its nonconformity, but it may be repaired to the extent necessary to maintain it in a safe and sanitary condition; and
 4. A nonconforming manufactured home shall not be replaced with another nonconforming manufactured home.
- b. The strengthening or restoration to a safe condition of any nonconforming structure or part thereof declared to be unsafe by an official charged with protecting the public safety or health shall be allowed upon order of such official.

(d) **Nonconforming lots.**

- (1) Nonconforming lots; defined

A nonconforming lot is a lot of record whose area, frontage, width or other dimensions, or location were lawful prior to the adoption or amendment of this Development Code, and which, by reason of such adoption or amendment, no longer meets or exceeds one or more such requirements of the applicable zoning district.

(2) Treatment of nonconforming lots.

Any lot of record existing at the time of the adoption or amendment of this Development Code, may be used subject to the following exceptions and modifications:

a. Adjoining lots.

When two or more adjoining lots of record with contiguous frontage are in one ownership at any time after the adoption or amendment of this Development Code and such lots, individually, have an area or width that is less than is required by this Development Code, then such contiguous lots shall be considered as a single lot or several lots of the minimum width and area required in the Zoning District in which they are located.

b. Individual lot not meeting minimum lot size requirements.

1. Except as set forth in Sec. 107(d)(2)a, in any Zoning District in which single-family dwellings are permitted, any lot of record existing at the time of adoption or amendment of this Development Code which has an area or width less than that required by this Development Code may be used as a building site for a single-family dwelling, subject to all other requirements of this Development Code and approval of the Health Department regarding water supply and sewage disposal.
2. In the case of such a lot, when it is not possible to provide the required side yards and at the same time build a minimum width single-family dwelling, a Special Exception Variance to reduce the side-yard requirements for such lot to the minimum amount necessary for a reasonable dwelling may be requested. See the Appeals Article of this Development Code for procedures.

(e) **Nonconforming signs.**

(1) Nonconforming signs; defined.

A nonconforming sign is a sign that was lawfully erected and maintained prior to the adoption or amendment of this Development Code, and which by reason of such adoption or amendment fails to conform to all applicable regulations and restrictions of this Development Code.

(2) Grandfathered nonconforming signs.

A nonconforming sign that is permanently affixed to the ground or to a building may continue to be used, except that the nonconforming sign shall not be replaced, expanded, relocated or substantially renovated except in conformity with the provisions of this Development Code.

(3) Temporary signs to be removed.

Any nonconforming sign that is temporary in nature and not permanently affixed to the ground or to a building, such as but not limited to a portable sign, a streamer or pennant, shall be removed within 30 days of becoming a nonconforming sign.

(4) Treatment of illegal signs.

a. Illegal signs located within a public right-of-way or on public lands:

1. Signs located illegally within any public right-of-way or other public lands shall be removed by the signs' owners within 5 working days of adoption of this Development Code.
2. The Planning Director or any County law enforcement officer shall be authorized to remove and dispose of nonconforming signs from public rights-of-way and other public

lands with or without notice to and at the expense of the owner, builder or other parties responsible for placement of said sign.

- b. Illegal signs not located within a public right-of-way or on public lands:
 - 1. A sign that did not lawfully exist under the County's regulations prior to adoption of this Development Code shall, within 30 days of adoption of this Development Code, either (a) be removed or (b) be brought into conformance with all provisions of this Development Code.
 - 2. Failure to remove such illegal sign or bring it into conformance following 30 days notice to the owner or occupant of the property by the Planning Director shall authorize the County to remove the sign at the expense of the owner or occupant of the property.
- (5) Removal due to road improvements.

If a nonconforming sign must be removed due to a county or state road improvement project, the Board of Commissioners may authorize the relocation of said sign even though the new location may not meet the setbacks, location and/or spacing or other provisions of this Development Code.

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