

LOWNDES COUNTY BOARD OF COMMISSIONERS
COMMISSION AGENDA ITEM

SUBJECT: TXT-2023-01 ULDC Text Amendments

DATE OF MEETING: July 11, 2023

Work Session/Regular Session

BUDGET IMPACT: N/A

FUNDING SOURCE:

- Annual
- Capital
- N/A
- SPLOST
- TSPLOST

COUNTY ACTION REQUESTED ON: TXT-2023-01 ULDC Text Amendments

HISTORY, FACTS AND ISSUES: ULDC Text Amendment TXT-2023-01 includes general amendments to the Code regarding variance requirements, definitions and procedures found in International, Federal and State statutes, the measurement of time, enforcement regulations, the keeping of chickens in different zoning districts, day care definitions and regulations, updates required by changes in state law (OCGA) and administrative and/or clerical changes. To help organize these amendments, they have been grouped together and organized by number. Short versions of the proposed amendments are included as a part of this case in the strike-through and underline format. For reference, a timeline of previous and planned actions and additional background on the groups is also attached. The TRC considered the proposed amendments, and found no technical objections. Based on updates and direction from the County Attorney and County Leadership, the Planning Staff recommends approval of Amendments one through seven .

During the GLPC meeting, one citizen spoke in opposition, claiming that the general public had not been adequately notified of the proposed amendments. The GLPC questioned staff about the notice before motioning to Recommend Approval, but the motion failed (3-4). A second motion was made to Recommend Tabling for 30 days, and the motion carried (5-2).

OPTIONS: 1) Approve
2) Table
3) Deny

RECOMMENDED ACTION: Board's Pleasure

DEPARTMENT: Planning

DEPARTMENT HEAD: JD Dillard

ADMINISTRATIVE COMMENTS AND RECOMMENDATIONS:

Planning Division Amendment Notes

Timeline

Requirements: 2 Public Notices (VDT and Moody AFB), 1 Public Meeting, and 1 Public Hearing

Completed:

1. 4/12/23 LCBOC Retreat (Public Meeting)
2. 4/24/23 GLPC (Public Meeting)
3. 4/25/23 ZBOA WS (Public Meeting)
4. 5/2/23 TRC Review
5. 5/12/23 Initial Moody Staff Meeting
6. 5/24/23 LCBOC Preview and Initial Clearance E-mail
7. 5/31/23 DECAL Check (GA State Daycare Agency)
8. 6/5/23 Application Deadline
9. 6/5/23 TRC E-mail Drafts
10. 6/6/23 TRC Review
11. 6/8/23 OCGA Moody Public Notice (County Manager/Commander Communication)
12. 6/12/23 LCBOC WS Preview (Public Meeting Update)
13. 6/12/23 Preview Drafts Released to GLPC, ZBOA, Chamber, HBA, and DECAL
14. 6/13/23 Preview Drafts Released to LAKE (Open Records)
15. 6/13/23 TRC Review
16. 6/18/23 VDT Advertisements Published (Public Notice Requirement)
17. 6/19/23 Moody Amendment Status Update
18. 6/20/23 TRC Review/Recommendation
19. 6/20/23 GLPC WS (Public Meeting)
20. 6/20/23 TRC Update
21. 6/21/23 Social Media Post 1
22. 6/22/23 Chamber/One Valdosta Lowndes Meeting
23. 6/22/23 VLDA Update
24. 6/26/23 Attorney Review
25. 6/26/23 Website Update
26. 6/26/23 GLPC (Public Hearing and Public Meeting)
27. 6/27/23 ZBOA Update
28. 6/27/23 LCBOC OCGA Resolution
29. 6/28/23 General Contractor/Builders Meeting
30. 6/28/23 HBA Meeting
31. 6//23 Website Update

Planned:

32. 7/5/23 Social Media Post 2
33. TBD Website Update
34. 7/10/23 LCBOC WS (Public Meeting)
35. 7/11/23 LCBOC (Official Public Meeting and Public Hearing)
36. TBD Website Update
37. TBD Social Media Post 3

2023 ULDC Text Amendment Summaries:

Amendment 1 Variances – Increase the minimum findings for the granting of a variance from one condition to two

Amendment 2 Code Lists – Update the current applicable codes

Amendment 3 Chickens – The subject of chickens has arisen from multiple Code Enforcement cases of persons keeping chickens in mainly residential zoning districts, and a lack of standards for doing so, leading to nuisance complaints and civil disputes. Given the largely agrarian nature of Lowndes County, the increase in the keeping of chickens lead to the development of standards for the welfare of the animals and the community at large.

Amendment 4 Time Measurement – Align with current OCGA requirements

Amendment 5 Solar and Enforcement

Solar – based on feedback from the County Attorney and Moody AFB we would like to hold off on the solar amendments at this time

Enforcement – Staff would still like to proceed in updating the enforcement and penalties sections of this amendment group. The updates are consistent with years of previous Lowndes County Code Enforcement actions and are proposed to apply to the entirety of the ULDC.

Amendment 6 ZBOA OCGA – Identify applicable leadership and/or staff per OCGA requirements

Amendment 7 Day Cares – The Georgia Department of Early Care and Learning (DECAL) establishes the rules and regulations for Child Care Learning Centers (CCLC) and Family Child Care Learning Homes (FCCLH) throughout the state. Updates to the definitions and number of children allowed per the different types of licenses are clarified along with applicable Standards for Home Occupations.

Amendment #1 Variances

9.02.03 Requirements for Variances

A **variance** may be granted upon a finding by the ZBA that ~~two~~ ~~one~~ of the following conditions ~~have~~ ~~has~~ been met. If the variance involves a nonconforming lot, structure, use, and/or sign then one of the two conditions must include conditions K, L, or M.:

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
- B. Such conditions are peculiar to the particular piece of property involved;
- C. The application of this ULDC to this particular piece of property would create an unnecessary hardship;
- D. Relief, if granted, will not cause substantial detriment to the public good or impair the purposes and intent of this ULDC;
- E. A literal interpretation of the provisions of this ULDC would deprive the applicant of rights commonly enjoyed by other properties of the zoning **district** in which the property is located;
- F. Granting the **variance** requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the zoning **district** in which the applicant's property is located;
- G. The requested **variance** will be in harmony with the purpose and intent of this ULDC and will not be incompatible with the neighborhood or to the general public welfare;
- H. The special circumstances are not the result of the actions of the applicant;
- I. The **variance** requested is the minimum **variance** that will make possible the legal **use** of the land or **structure**;
- J. The **variance** is not a request to **permit** a **use** of land or **structures** which are not permitted by right in the zoning **district** involved;
- K. The extension of said nonconforming **use** will not further injure a permitted **use** on the subject property or on adjacent property;
- L. The design, **construction**, and character of the nonconformance is not suitable for **uses** permitted in a **district** in which the nonconformance is situated; and
- M. The nonconforming **use** is similar to the prior nonconforming **use**.

9.02.05 Procedures for Variances

A. Applications

1. An application for a **variance** shall include the information required for all applications, as set forth in Chapter 10.
2. An application for a **variance** shall include the following written explanation: the purpose of the regulation involved with the proposed **variance**, how the enforcement of the regulation is either incorrect, unfair, or unjust, and a

statement explaining how the **variance** request satisfies ~~conforms to~~ at least two ~~one~~ of the conditions ~~requirements~~ listed in Section 9.02.03.

Amendment #3 Chickens

This is an entirely new set of ULDC regulations. All proposed amendments could be shown in color.

(Insert Ch 2 Table Format – Inserted After Livestock Row)

2.03.03 Table of Land Uses

Agricultural Uses

Chicken Coops (For an “S” See Also Section 4.03.01)

Allowed in E-A as P

All Other Zoning Districts as S

Not Allowed in CON and I-S (Blank)

4.03.01 Animal Facilities (Animal Hospitals, Veterinary Clinics, Animal Shelters, Kennels and Coops)

D. The requirements of this section apply to the keeping of a small number of female chickens and are designed to prevent nuisances and ~~prevent~~ conditions that are unsanitary or unsafe.

~~1. The keeping of chickens shall be in accordance with the requirements of this section.~~

~~12. The keeping of chickens shall comply with the nuisance requirements pertaining to animal control as set forth in the County Code of Ordinances.~~

~~23. If The keeping of chickens shall be for personal use only. Selling of eggs or poultry are to be sold the use must also comply with the Home Occupation standards in Section 5.01.00. is prohibited.~~

~~34. A maximum of six (6) female chickens are allowed (Crowing hens are prohibited). More than six (6) chickens shall be considered livestock.~~

~~45. A maximum of one (1) coop is allowed.~~

~~56. Slaughtering of chickens is prohibited.~~

~~6. 7.—Chickens must be provided an appropriate coop and kept in an outdoor adequately fenced outdoor enclosure at all times. and provided with an appropriate coop.~~

~~a. The coop shall be An outdoor enclosure that is adequately fenced to contain the chickens.~~

~~A covered, predator-proof, coop that is well ventilated, and designed to be easily accessed for cleaning.~~

~~a.~~

~~a. A building permit shall be required if the coop uses any utilities. are provided.~~

~~b.~~

~~b.c. The area of the coop shall count toward the maximum allowable structures and square footage as defined in Section 5.02.01(D)(9).~~

Table 4.03.01(D). Standards for Keeping of Chickens.

Development Feature	Standard
Animals Allowed	Female Chickens (Excluding Crowing Hens)
Animals Prohibited	Roosters and Crowing Hens
Outdoor Fenced Enclosure	Maximum of 120 square feet
Coop	Coop made of uniform materials, with have solid floors, have a Roof and doors that can be tightly secured, be properly ventilated, and have properly ventilated with adequate sunlight.
Minimum setback from any property line for a cCoop	Fifteen (15) feet. Shall be located in the rear yard only.
Minimum setback from any property line for the outdoor fenced enclosure	Fifteen (15) feet. Shall be located in the rear yard only.
Sanitation	Odor and pest control required. Coop and outdoor fenced enclosure must be cleaned on a regular basis to prevent the accumulation of waste.

Amendment #2 Code List

~~Ch 1 List of Tables~~~~Table 1.08.02(C). Code Reference Guide~~ 1-6

1.09.01 Acronyms

ICC – ~~Interstate Commerce Commission~~ International Code Council**1.07.04 Building and Construction Codes**A. State Minimum Standard Codes

1. The following State Minimum Standard Codes, specified in OCGA § 8-2-20(9)(B), as adopted, revised, and amended by the Georgia Department of Community Affairs pursuant to OCGA § 8-2-23(a), and any new editions thereof adopted by the Georgia Department of Community Affairs pursuant to OCGA § 8-2-23(b), including appendices thereto as provided by OCGA § 8-2-21(1), shall be enforced by the **Board of Commissioners** throughout the unincorporated area of Lowndes County.

- a. International Building Code (ICC);
- b. National Electrical Code (NFPA);
- c. International Fuel Gas Code (ICC);
- d. International Mechanical Code (ICC);
- e. International Plumbing Code (ICC);
- f. International Residential Code for One- and Two-Family Dwellings (ICC);
- g. International Energy Conservation Code (ICC); and
- h. International Fire Code (ICC).

2. The following State Minimum Standard Codes, specified in OCGA § 8-2-20(9)(B), as adopted, revised, and amended by the Georgia Department of Community Affairs pursuant to OCGA § 8-2-23(a), and any new editions thereof adopted by the Georgia Department of Community Affairs pursuant to OCGA § 8-2-23(b), including appendices thereto as provided by OCGA § 8-2-21(1), are hereby adopted and shall be enforced by the **Board of Commissioners** throughout the unincorporated area of Lowndes County.

- a. International Existing Building Code (ICC);
- b. International Property Maintenance Code (ICC); and
- c. International Swimming Pool and Spa Code (ICC).

3. The foregoing State Minimum Standard Codes, as adopted, revised, and amended by the Georgia Department of Community Affairs, are available for review in the office of the **County Manager**.

B. State Minimum Fire Safety Standards

1. The State Minimum Fire Safety Standards adopted in the Rules and Regulations for State Minimum Fire Safety Standards promulgated by the Georgia Safety Fire Commissioner pursuant to Chapter 2 of Title 25 of the Official Code of Georgia Annotated, enumerated in Ga. Comp. R. & Regs. R. 120-3-3-.04, including subsequent revisions, are hereby adopted and shall be enforced by the **Board of Commissioners** throughout the unincorporated area of Lowndes County in accordance with and as provided by Chapter 2 of Title 25 of the Official Code of Georgia Annotated.

2. The foregoing State Minimum Fire Safety Standards are available for review in the office of the **County Manager**.

C. Georgia Accessibility Code

1. The rules and regulations promulgated by the Georgia Safety Fire Commissioner set forth in Ga. Comp. R. & Regs. r. 120-3-20, as specified in Chapter 3 of Title 30 of the Official Code of Georgia Annotated, referenced in Ga. Comp. R. & Regs. r. 120-3-3-.08 of the Rules and Regulations for the State Minimum Fire Safety Standards as the “Georgia Accessibility Code,” and entitled in Ga. Comp. R. & Regs. r. 120-3-20-.01 “Access To and Use of Public Facilities by Handicapped Persons,” are hereby adopted and shall be enforced by the **Board of Commissioners** throughout the unincorporated area of Lowndes County in accordance with and as provided by Chapter 3 of Title 30 of the Official Code of Georgia Annotated.

2. The foregoing rules and regulations promulgated by the Safety Fire Commissioner are available for review in the office of the **County Manager**.

~~Each building and construction code listed in Section 1.07.04 (A) through (M) is hereby adopted by reference as if set forth in its entirety. The following standard building codes as approved by the State of Georgia include any attachments, future editions, and amendments:~~

~~A. 2006 International Building Code with Georgia Amendments;~~

- ~~2006 International Fire Code with Georgia Amendments;~~
- ~~2006 International Plumbing Code with Georgia Amendments;~~
- ~~2006 International Mechanical Code with Georgia Amendments;~~
- ~~2005 National Electric Code with Georgia Amendments~~
- ~~2000 International Energy Conservation Code with Georgia Amendments;~~
- ~~B. 2006 International Fuel Gas Code with Georgia Amendments;~~
- ~~C. 2006 International Mechanical Code with Georgia Amendments;~~
- ~~D. 2006 International Plumbing Code with Georgia Amendments;~~
- ~~E. 2003 International Existing Building Code with Georgia Amendments;~~
- ~~2000 Life Safety Code~~
- ~~F. International Property Maintenance Code~~
- ~~G. 2005 National Electric Code with Georgia Amendments~~
- ~~H. National Fire Protection Code~~
- ~~2000 International Energy Conservation Code with Georgia Amendments;~~
- ~~2006 International Fire Code with Georgia Amendments;~~
- ~~I. 2006 International Residential Code with Georgia Amendments;~~
- ~~J. 1997 Georgia Accessibility Code;~~
- ~~K.A. 2000 Life Safety Code~~

1.08.02 Responsibility for Interpretations

~~C. Should the enforcement of a building or construction code listed in Section 1.07.04 create a conflict Table 1.08.02(C) shall govern the primary and supplemental enforcement of that building or construction code.~~

Table 1.08.02(C). Code Reference Guide

Area	Primary Code	Supplement Code
Occupancy Classification	LSC	IBC
Building Construction Types Including allowable height, allowable building areas, and the requirements for sprinkler protection related to minimum building construction types.	IBC	LSC
Means of Egress	LSC	NONE
Standpipes	IBC	IFC

Area	Primary Code	Supplement Code
Interior Finish	LSC	NONE
HVAC Systems	IMC	NONE
Vertical Openings	LSC	NONE
Sprinkler Systems minimum construction standard	LSC	NONE
Fire Alarm Systems	LSC	NONE
Smoke Alarms and Smoke Detection Systems	State Statute and LSC	NONE
Portable Fire Extinguishers	IFC	NONE
Cooking Equipment	LSC and NFPA 96	NONE
Fuel Fired Appliances	IFGC	NFPA 54 or IFGC
Liquid Petroleum Gas	NFPA 58	NFPA 54 or IFGC
Compressed Natural Gas	NFPA 52	NONE

Amendment #4 Time

1.08.05 Computation of Time

~~When~~When a number of days is prescribed for the exercise of any privilege or the discharge of any duty, OCGA 1-3-1(d)(3) shall govern the computation of time.
~~, the first or last day shall not be counted; and if the last day falls on Saturday or Sunday, the person having such privilege or duty shall have through the following Monday to exercise the privilege or to discharge the duty. When the last day prescribed for such action falls on a public and legal holiday as provided for in O.C.G.A., section 1-4-1, the person having the privilege or duty shall have through the following day to exercise the privilege or to discharge the duty; however, when the following day is a Saturday or Sunday, the person shall have through the following Monday to exercise the privilege or to discharge the duty.~~

Amendment #5 Enforcement

Master TOC

10.06.01 Enforcement

10.06.02 Penalties

Chapter 10 TOC

10.06.01 Enforcement

10.06.02 Penalties

10.06.00 ENFORCEMENT AND PENALTIES

10.06.01 Enforcement

This ULDC may be enforced pursuant to OCGA 36-1-20(c) and Article 4 of Chapter 10 of Title 15 of the Official Code of Georgia Annotated.

10.06.02 Penalties

The maximum punishment which may be imposed for a violation of this ULDC shall be a fine of \$1,000, or imprisonment for sixty (60) days, or both.

Amendment #6 OCGA

Master Table of Contents

10.07.00 APPEALS OF QUASI-JUDICIAL DECISIONS

10.07.01 Purpose

10.07.02 Authority to Approve or Issue Forms and Certificates

10.07.03 Service Upon Quasi-Judicial Boards and Agencies

10.07.04 Service Upon the Board of Commissioners

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10.07.00 APPEALS OF QUASI-JUDICIAL DECISIONS

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10.07.04 Service Upon the Board of Commissioners

9.02.06 Appeal of ZBA Action

An **appeal** of a decision of the ZBA shall be to the Superior Court. (See Also Section 10.07.00).

10.070.007 APPEALS OF QUASI-JUDICIAL DECISIONS

10.07.01 Purpose

The purpose of this section of this ULDC is to make the designations required by OCGA 36-66-5.1(c) to ensure that the citizens of Lowndes County are not unnecessarily burdened by the review process as a mechanism of appeal of quasi-judicial decisions pursuant to OCGA 36-66-5.1(a)(2) which shall be subject to appellate review by the superior court pursuant to its appellate jurisdiction from a lower judicatory body and shall be brought by way of a petition to the superior court for such review as provided for in Title 5 of the Official Code of Georgia Annotated.

10.07.02 Authority to Approve or Issue Forms and Certificates

The officer of each quasi-judicial board or agency who shall have authority, without additional board or agency action, to approve or issue any form or certificate necessary to perfect the petition described in Title 5 of the Official Code of Georgia Annotated for review of lower judiciary bodies shall be the chairman of such quasi-judicial board or agency.

10.07.03 Service Upon Quasi-Judicial Boards and Agencies

The officer of each quasi-judicial board or agency upon whom service of such petition may be effected or accepted on behalf of the lower judicatory board or agency, during normal business hours, at the regular offices of the local government, shall be the chairman of such quasi-judicial board or agency.

10.07.04 Service Upon the Board of Commissioners

The elected official or his or her designee who shall have authority to accept service and upon whom service of an appeal of a quasi-judicial decision may be effected or accepted on behalf of the **Board of Commissioners**, during normal business hours, at the regular offices of the local government, shall be the chairman of the **Board of Commissioners**.

Amendment #7 Day Cares

1.09.01 Acronyms

DECAL – Georgia Department of Early Care and Learning

1.09.02 Definitions

~~**Day Care Establishment.** Any place operated by a person, society, agency, corporation, institution or group wherein are received for pay for group care, for fewer than twenty-four (24) hours per day without transfer of legal custody, children under eighteen (18) years of age and which is required to be licensed or commissioned by the Georgia Department of Human Resources of Early Care and Learning (DECAL). The following categories shall be designated:~~

~~**Family Child Care Learning Home or "Learning Home" or "FCCL"** means a private residence operated by any person who receives therein for pay for supervision and care fewer than 24 hours per day, without transfer of legal custody, at least three but not more than six Children under 13 years of age who are not Related to such persons and whose Parent(s) are not residents in the same private residence as the Provider and which is required to be licensed by DECAL; provided, however, that the total number of unrelated Children cared for in such a Learning Home, for pay and not for pay, may not exceed six Children under 13 years of age at one time, except that a Provider may care for two additional children three years of age or older for two designated one hour periods daily upon approval by DECAL. The terms Children, Related, Parent, and Provider are defined by DECAL.~~

~~**Child Care Learning Center or "CCLC"** means any place operated by an individual or any business entity recognized under Georgia law wherein are received for pay for group care, for fewer than 24 hours per day without transfer of legal custody, seven or more children under 18 years of age and which is required to be licensed by DECAL. Child Care Learning Center also includes any day care center previously licensed by the Department of Human Resources and transferred pursuant to Code Section 20-1A-1 *et seq.*~~

~~**Family Day Care (6 or less children).** A private residence operated as day care for up to six (6) children.~~

~~**Day Care Homes (7 to 18 children).** Any place operated as day care for not less than seven (7) or more than eighteen (18) children.~~

~~**Day Care Centers (19 or more children).** Any place operated as day care for~~

~~nineteen (19) or more children.~~

2.03.03 Table of Land Uses

Child Care Learning Center – P in OI, Remains S in MAZ-II*, S in E-A, R-A, R-1, R-21

Delete Home Day Care Row in its entirety

Family Child Care Learning Home (No changes other than name)

List of Tables

- Table 4.03.08(~~EG~~). Standards for Child ~~Day~~-Care Learning Centers, Nursery Schools, and Preschools.
- Table 4.03.08(~~FH~~). Standards for ~~Child Day-Care Homes and Day-Care Family Facilities~~Family Child Care Learning Homes.
- Table 4.03.08(~~GD~~). Standards for Adult Day Care Centers.

4.03.08 Day Care Facilities (Adult or Child Day Care)

- A.** The requirements of this section apply to ~~C~~child ~~day-Ceare~~ Learning ~~C~~centers, group day care homes, nursery schools, preschools, Family Child Care Learning Homes, ~~family day-care homes~~, adult day care facilities, and adult day care centers.
- B.** All facilities regulated in this section shall comply with State regulations and acquire applicable State licenses for operation.
- C.** Adult day care within a **dwelling** shall be limited to the provision of care and supervision to not more than six (6) **persons**.
- D.** When the day care facility is operated as a **home occupation**, it shall comply with the provisions of Section 5.01.00 pertaining to **home occupations**.
- E.** ~~Day-care centers~~Child Care Learning Centers shall comply with the following standards:

Table 4.03.08(~~EG~~). Standards for Child ~~Day~~-Care Learning Centers, Nursery Schools, and Preschools.

Development Feature	Standard
<u>Number of total children (Unrelated and Related Added Together)</u>	
<u>Child Care Learning Centers in E-A, R-A, and R-1</u>	<u>Eighteen (18) or fewer (Unrelated and Related)</u>

<u>Child Care Learning Centers in R-21 or MAZ-II* (*Outside of the APZ II area – See Also Section 4.02.04) Number of children</u>	Twelve (12) or fewer (Unrelated and Related) Nineteen (19) or more
Place of operation	Freestanding structure , or Within a religious facility (see Section 4.03.15 for standards), or Within a public or private school.
Outdoor play area	Minimum of 200 square feet per child, based on the number of users at any one (1) time, and Fully enclosed by a security chain-link fence, a minimum of four (4) feet in height, or Fully enclosed by a solid decorative fence, a minimum of four (4) feet in height
Indoor play area	Minimum of 35 square feet per child
Access requirements	Drop-off location, separated from parking, and located off street

Commented [JD1]: DECAL Current Standards: 100 sqft per child based on 1/3 of licensed capacity of users at any one time

Commented [JD2]: 25 sqft for up to 2 hours with DECAL Approval

F. Day care homes and family care facilities Family Child Care Learning Homes shall comply with the following standards:

Table 4.03.08(FH). Standards for Child Day Care Homes and Day Care Family Facilities Family Child Care Learning Homes.

Development Feature	Standard
<u>Number of total children (Unrelated and Related Added Together)</u> <u>A Family Child Care Learning Home in MAZ-II* (*Outside of the APZ II area – See Also Section 4.02.04) Number of children</u> <u>Day care home</u> <u>Day care home in R-21</u> <u>Day care - family</u>	No more than six (6) Unrelated and No more than six (6) Related (Total of 12 (6 Unrelated and 6 Related)) Eighteen (18) or fewer Twelve (12) or fewer Six (6) or fewer
Place of operation	Freestanding structure , or Within a dwelling .
Outdoor play area	Minimum of 200 100 square feet per child, based on the number of users at any one (1) time, and Fully enclosed by a security chain-link fence, a minimum of four (4) feet in height, or Fully enclosed by a solid decorative fence, a minimum of four (4) feet in height
Indoor play area	Minimum of 35 square feet per child
Access requirements	Drop-off location, separated from parking, and located off street .

G. Adult day care centers shall comply with the following standards:

Table 4.03.08(GI). Standards for Adult Day Care Centers.

Development Feature	Standard
Number of adults	More than six (6).
Place of operation	Freestanding structure , or Within a religious facility (see Section 4.03.15 for standards).
Recreation areas	Fully enclosed by a fence, a minimum of four (4) feet in height . Chain link is permissible in side or rear yards ; decorative fencing is required in front yards .
Access	Drop-off facilities shall be provided off- street and separated from parking.

5.01.00 HOME OCCUPATIONS

5.01.01 Generally

- A. A **home occupation** is permissible in a lawfully established **dwelling unit** in any **zoning district** where **residential uses** are permissible. All **home occupations** shall meet the standards set forth in Section 5.01.02. **Home occupations** in the E-A and R-A **zoning districts** shall meet the additional standards in Section 5.01.03.
- B. The following and similar **uses** shall be considered **home occupations**:
 6. ~~Family Child Care Learning Home~~ Day care for six (6) or fewer children;

5.01.02 Standards for All Home Occupations

- A. All **home occupations** shall have ~~paid occupational taxes to and have been issued an occupational tax registration a business license~~ from Lowndes County.
- B. ~~The owner, operator, and all E~~employees of the **home occupation** shall be limited to the residents of the **dwelling**.
- C. The **home occupation** shall be clearly incidental to the **residential use** of the **dwelling**.
- D. The **use** of the **dwelling** for a **home occupation** shall not change the **residential** character of the **building**.
- E. No internal or external alterations which are inconsistent with the **residential use** or character of the **dwelling** shall be **permitted**.
- F. Products for sale or **use** in the **home occupation** shall not be visible from the **street**.
- G. Use of a **dwelling** for a **home occupation** shall not exceed twenty-five (25) percent of one (1) **floor** of the **dwelling**.

- H. The **home occupation** shall not constitute a nuisance to the surrounding neighborhood, as evidenced by the **use** of machinery or equipment that produces noise, smoke, odor, vibration, electrical interference, or other objectionable condition beyond the property line of the **lot** on which the **home occupation** is located.
- I. **Outside storage** of materials **used** in connection with a **home occupation** is prohibited.
- J. A **home occupation** shall not be conducted in an **accessory building**; however, storage of materials is permissible.
- K. Up to two (2) commercial vehicles may be used in connection with the **home occupation**, provided that such vehicles are parked only in the **rear yard**.
- L. No business shall be conducted between the hours of 8:00 p.m. and 7:00 a.m.
- M. Only one wall (1) **sign** shall be permissible in associated with the **home occupation**. The **sign** shall comply with the following standards:
 - 1. The **sign** shall not exceed eight (8) square feet in area;
 - 2. The **sign** shall be motionless.