



**BOARD OF COUNTY COMMISSIONERS**

T. PAGE THARP GOVERNMENTAL BUILDING  
 102 STARKSVILLE AVENUE NORTH, LEESBURG, GEORGIA 31763

TUESDAY, JULY 11, 2023 AT 6:00 P.M.  
 T. PAGE THARP BUILDING  
 OPAL CANNON AUDITORIUM  
 WWW.LEE.GA.US

MEETING AGENDA  
 WORK SESSION

**COUNTY COMMISSIONERS**

Billy Mathis, Chairman	District 3
Luke Singletary, Vice-Chairman	District 2
Dennis Roland, Commissioner	District 1
Chris Guarnieri, Commissioner	District 4
George Walls, Commissioner	District 5

**COUNTY STAFF**

Christi Dockery, County Manager  
 Kaitlyn Good, County Clerk  
 Jimmy Skipper, County Attorney

		<u>PAGE</u>
1.	<b><u>INVOCATION</u></b> Apostle Malden Batten, The Church of Leesburg, to lead the invocation.	
2.	<b><u>PLEDGE OF ALLEGIANCE</u></b>	
3.	<b><u>CALL TO ORDER</u></b>	
4.	<b><u>APPROVAL OF MINUTES</u></b> (A) Consideration to approve the minutes for the Board of Commissioners meeting for June 27, 2023.	A - D
5.	<b><u>CONSENT AGENDA</u></b> NONE	
6.	<b><u>NEW BUSINESS</u></b> (A) Tommy Gregors, Director of Artesian Alliance, to address the Board regarding programs and facility improvements.	
7.	<b><u>PUBLIC HEARING</u></b>	
	(A) <b><u>Brittany Land Company, LLC (Z23-006)</u></b> has submitted a request to <b>rezone</b> two (2) lots at a total of 49.297 acres from AG to R-1. This property lies in Parcels 025 044 & 026 016 in Land Lot 71 of the Second Land District of Lee County, Georgia. <b><i>Planning Commission recommends approval, with the following condition, as presented on the staff report: The proposed development must reduce impacts on floodplains (and wetlands, if identified) to the extent possible.</i></b>	1 - 5
	(B) <b><u>Oakland Plantation Partners, LLC (Z23-007)</u></b> has submitted a <b>variance</b> application to allow the following setbacks: 18' front, 10' rear, and 5' side for each lot. This is currently zoned R-2. The total number of acres is 39.316. This property is located off of Oakland Parkway in Parcel 017D 004. <b><i>Planning Commission recommends approval with a 3 – 2 vote.</i></b>	6 - 16
	(C) An ordinance to amend Chapter 70 of the Code of Ordinances of Lee County (the Lee County Zoning Code) so as to <b>amend definitions as required by 2022 Georgia Laws Act 881 (HB 1405)</b> . <b><i>Planning Commission recommends approval.</i></b>	17 – 43

- (D) An ordinance to amend Section 70-6 of the Code of Ordinances of Lee County relating to definitions under the Lee County Zoning Code so as to **revise the definition of “home occupation, residential”**. *Planning Commission recommends denial with a 4 – 1 vote.* 44 - 54
- (E) An ordinance to amend Chapter 70, Article III, Section 70-94 of the Code of Ordinances of Lee County relating to **greenspace**, so as to establish the process to determine unbuildable land and undevelopable land. *Planning Commission recommends approval, with the following amendment: A minimum of twenty-five percent (25%) of the remaining developable land shall be preserved as greenspace regardless of service level.* 55 - 57
- 8. DEPARTMENTAL MATTERS**
- Building Inspection/ Business Licensing**
- (A) **Milan Patel (Z23-005)** has submitted an application for a proposed new business which would include the construction of a package store on U.S. Hwy 82, utilizing two (2) currently vacant lots at 1.19 acres each, for a total of 2.38 acres. The property owner is R. L. Joiner, Jr., et al. The subject property consists of Parcels 029B 004 & 029B 003 in Land Lot 263 of the Second Land District of Lee County, Georgia. 58 - 64
- E-911**
- (B) Consideration to approve the placement of the new telecommunications tower in North Lee County. 65 - 67
- 9. CONSTITUTIONAL OFFICERS & GOVERNMENTAL BOARDS/AUTHORITIES**
- (A) Discussion of the Board of Tax Assessors.
- 10. COUNTY MANAGER’S MATTERS**
- (A) Updates on County projects. 68 - 72
- (B) Consideration to declare vehicles and equipment surplus. 73 - 74
- (C) Discussion of LMIG 2024. 75 - 78
- 11. COMMISSIONER’S MATTERS**
- (A) Discussion of parks and greenspace.
- (B) Discussion of abandoned houses.
- 12. UNFINISHED BUSINESS**  
NONE
- 13. COUNTY ATTORNEY’S MATTERS**  
NONE
- 14. EXECUTIVE SESSION**  
NONE
- 15. PUBLIC FORUM**  
*Citizens will be allowed to address the Board of Commissioners regarding any issues or complaints. Individuals should sign up prior to the start of the meeting.*
- 16. ANNOUNCEMENTS**
- (A) The next regularly scheduled County Commission Meeting is **Tuesday, July 25, 2023 at 6:00pm.**

- (B) The **Lee County Rivers Alive** annual clean-up event will be **Saturday, July 29, 2023 from 9:00am to 1:00pm**. There will both be on water and on land opportunities to volunteer. A waiver must be signed for participation. Please contact the Lee County Chamber of Commerce at (229) 759-2422 for more information.

## 17. ADJOURNMENT

### AGENDA MAY CHANGE WITHOUT NOTICE

*Lee County is a thriving vibrant community celebrated for its value of tradition encompassing a safe family oriented community, schools of excellence, and life long opportunities for prosperity and happiness without sacrificing the rural agricultural tapestry.*

Persons with special needs relating to handicapped accessibility or foreign language interpretation should contact the ADA Coordinator at (229) 759-6000 or through the Georgia Relay Service (800) 255-0056 (TDD) or (800) 355-0135 (voice). This person can be contacted at the T. Page Tharp Building in Leesburg, Georgia between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except holidays, and will assist citizens with special needs given proper notice of seven (7) working days. The meeting rooms and buildings are handicap accessible.



## BOARD OF COUNTY COMMISSIONERS

T. PAGE THARP GOVERNMENTAL BUILDING  
102 STARKSVILLE AVENUE NORTH, LEESBURG, GEORGIA 31763

TUESDAY, JUNE 27, 2023 6:00 P.M.  
T. PAGE THARP BUILDING  
OPAL CANNON AUDITORIUM  
WWW.LEE.GA.US

MEETING MINUTES  
VOTING SESSION

---

### COUNTY COMMISSIONERS

Billy Mathis, Chairman	District 3
Luke Singletary, Vice-Chairman	District 2
Dennis Roland, Commissioner	District 1
Chris Guarnieri, Commissioner	District 4
George Walls, Commissioner	District 5

### COUNTY STAFF

Christi Dockery, County Manager  
Kaitlyn Good, County Clerk  
Jimmy Skipper, County Attorney

---

The Lee County Board of Commissioners met in a voting session on Tuesday, June 27, 2023. The meeting was held in the Opal Cannon Auditorium of the Lee County T. Page Tharp Governmental Building in Leesburg, Georgia. Those present were Chairman Billy Mathis, Vice-Chairman Luke Singletary, Commissioner Dennis Roland, Commissioner Chris Guarnieri, and Commissioner George Walls. Staff in attendance was County Manager Christi Dockery, County Attorney Jimmy Skipper, and County Clerk Kaitlyn Good. The meeting was also streamed on Facebook Live. Chairman Mathis called the meeting to order at 6:00pm.

### INVOCATION

Pastor Aaron McCulley, Philema Road Baptist Church, led the invocation.

### PLEDGE OF ALLEGIANCE

The Board and the audience said the Pledge of Allegiance in unison.

### CALL TO ORDER

#### Reconsideration of the motion for the location of the new telecommunications tower, as made at the last regularly scheduled Board of Commissioners meeting on June 13, 2023.

Glenn Hendry, Executive Account Manager, of Motorola was present. There are two possible sites for the new tower, one on Hwy 118 and one at the Fire Station in Smithville. At the meeting on June 13, 2023, the present Board members voted to place the tower at Fire Station 4 in Smithville. Mr. Hendry stated that both sites will produce very similar maps in terms of coverage and encouraged the Board to think more about access to, and safety of, the equipment and tower when considering a location. Commissioner Singletary added that it would probably be best to place it at the Fire Station, where it is on one of our properties that is continuously occupied, thereby the equipment is easily monitored.

Chairman Mathis asked Assistant Fire Chief Cole Williams if he believed there to be room for a tower at Fire Station 4 and if he had a preference on placement. Mr. Williams stated that both sites would be fine, but that Hwy 118 might be better in terms of available space. County Manager Christi Dockery added that a few years back the County granted an easement for the homeowners on Hwy 118 to utilize some of the land for a second driveway, which is also a factor to be considered. Chairman Mathis suggested Commissioner Roland go look at the two presented sites and speak to staff about proper placement and then bring back his suggestion to the Board.

Commissioner Singletary made the **MOTION** to reconsider the motion for the location of the new telecommunications tower, as made at the last regularly scheduled Board of Commissioners meeting on June 13, 2023. Commissioner Guarnieri seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Roland and Commissioner Walls voting yea.

## APPROVAL OF MINUTES

- (A) **Consideration to approve the Board of Commissioners meeting minutes for June 13, 2023.**  
Commissioner Walls made the **MOTION** to approve the Board of Commissioners meeting minutes for June 13, 2023. Commissioner Roland seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Singletary and Commissioner Guarnieri voting yea.

## CONSENT AGENDA

NONE

## NEW BUSINESS

- (A) **Recognition of employees' years of service.**  
Chairman Mathis recognized the following employees for their years of service to Lee County:  
5 years – Carl Randy James – Marshal's Office/Code Enforcement  
5 years – Kaitlyn Good – County Clerk  
5 years – Timothy Ledden – Detention Officer – Corporal  
25 years – Ira Houston – Utilities Authority

## PUBLIC HEARING

NONE

## DEPARTMENTAL MATTERS

### E-911

- (A) **Consideration to approve a proposal from Motorola Solutions for the construction of the new telecommunications tower.**

Commissioner Singletary made the **MOTION** approve a proposal from Motorola Solutions for the construction of the new 350 foot telecommunications tower at a cost of \$466,583.00. Commissioner Walls seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Roland and Commissioner Guarnieri voting yea. This being for tower previously discussed, to be in the Northern end of the County.

Chairman Mathis also mentioned the possibility of Motorola also eventually constructing a tower at the Southern end of the County as well. Mr. Hendry stated that the estimate for the new 300 foot tower would be approximately \$547,000.00 with the understanding that this price will increase over the next few years, adding that it will take approximately \$3.5 million to become fully independent.

Mr. Hendry added that he believed it is best to purchase the tower, the transmission site, and all equipment together in a few years once the current agreement for the P25 System has expired. Also, by waiting to build the tower, the County would not be chipping away at the 30 – 35 year lifespan of the tower.

- (B) **Consideration to approve the purchase of an Uninterruptible Power Supply battery backup system (UPS) for the tower on Ga Hwy 32 E.**

Commissioner Guarnieri made the **MOTION** approve the purchase of an Uninterruptible Power Supply battery backup system (UPS) for the tower on Ga Hwy 32 E for \$33,998.83. Commissioner Walls seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Roland and Commissioner Singletary voting yea.

- (C) **Consideration to approve a SUA+ Agreement with Motorola Solutions.**

Chairman Mathis summarized the agreement stating it pertained to certain updates to the system. Chairman Mathis added that the County already has an agreement with Motorola for the equipment; however, Motorola is now requesting an additional \$100,000.00 per year to complete upgrades. County Manager Christi Dockery added that there is a September deadline. Commissioner Singletary suggested holding off on the agreement. No action was taken on this item.

## **CONSTITUTIONAL OFFICERS & GOVERNMENTAL BOARDS/AUTHORITIES**

- (A) **Consideration to appoint one (1) member to the Regional Commission Council of Southwest Georgia to fill an unexpired term of one (1) year expiring 01/01/2024. Letter of interest in appointment received from Cicily Florence.**

Commissioner Singletary made the **MOTION** to appoint Cicily Florence to the Regional Commission Council of Southwest Georgia to fill an unexpired term of one (1) year expiring 01/01/2024. Commissioner Walls seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Roland and Commissioner Guarnieri voting yea.

- (B) **Elections and Registration – Discussion of an Intergovernmental Agreement with the Secretary of State’s Office for a limited time to deploy new equipment.**

This item was tabled until receipt of the agreement.

## **COUNTY MANAGER’S MATTERS**

- (A) **Updates on County projects.**

County Manager Christi Dockery discussed ongoing projects in the County: (1) The gymnasium project is complete; (2) the 2023 LMIG road projects and 2021 CDBG projects are completed; (3) an RFQ will soon be published for architectural services for the 100 acres property; (4) the RFP for the Elections Office renovation will be published soon; and (5) the Courthouse expansion project also continues to be discussed.

- (B) **Consideration to approve budget amendment 2023-01 to the FY2022-2023 budget.**

Commissioner Guarnieri made the **MOTION** to approve budget amendment 2023-01 to the FY2022-2023 budget for revenue neutral year-end adjustments. Commissioner Singletary seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Roland and Commissioner Walls voting yea.

- (C) **Consideration to adopt a resolution approving the final FY2023-2024 budget.**

Chairman Mathis stated that the new budget did not include a tax increase.

Commissioner Singletary made the **MOTION** to adopt a resolution approving the final FY2023-2024 budget. Commissioner Guarnieri seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Roland and Commissioner Walls voting yea.

- (D) **Discussion of the renewing the lease for USDA, located at 101 North Main Street in Leesburg, for a term of five (5) years.**

The present lease is for three (3) years, expiring 12/31/2023. This lease is revenue neutral and County Manager Christi Dockery added that they were good tenants and provide many services to our citizens.

Commissioner Roland made the **MOTION** to adopt a renewal lease for USDA, located at 101 North Main Street in Leesburg, for a term of five (5) years. Commissioner Walls seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Singletary and Commissioner Guarnieri voting yea.

## **COMMISSIONER’S MATTERS**

- (A) **Discussion of greenspace.**

Chairman Mathis opened the discussion by stating that the state and the county require greenspace in subdivisions. Lee County code indicates that when greenspace is set aside in a new subdivision, that area can be either owned by a homeowner’s association, the County, or a trust. The greenspace must be accessible to everyone within that subdivision.

Staff has been asked to provide a list of every piece of greenspace in the county to be sure they are each deeded in one of those three ways. Commissioner Singletary added that the County has not accepted greenspace in years. Commissioner Walls asked if greenspace could be sold, to which Mr. Skipper replied that it would have to be to a HOA or a trust to abide by the County code.

In further discussion of the Pine Lakes Subdivision greenspace and Commissioner Walls's request to place a gate prohibiting vehicle access, Mr. Skipper stated that the statute does not require continuous access by vehicle, but does require access in the case of emergency. Staff will continue looking into this issue.

**UNFINISHED BUSINESS**

NONE

**COUNTY ATTORNEY'S MATTERS**

NONE

**EXECUTIVE SESSION**

NONE

**PUBLIC FORUM**

*Citizens will be allowed to address the Board of Commissioners regarding any issues or complaints. Individuals should sign up prior to the start of the meeting.*

Joanne Tuggle – Creekside Subdivision – Presented resident petition for the resurfacing of subdivision roads

**ANNOUNCEMENTS**

- (A) The offices of the Lee County Board of Commissioners will be **closed Tuesday, July 4, 2023** in observance of the Independence Day Holiday. County offices will reopen for regular business hours on Wednesday, July 5, 2023. **Residential garbage collection will be delayed one day.**
  
- (B) The next regularly scheduled County Commission Meeting is **Tuesday, July 11, 2023 at 6:00pm.**

**ADJOURNMENT**


The meeting adjourned at 6:40 PM.

Facebook video link: <https://www.facebook.com/leecountyga/videos/276002321674510>

*Lee County is a thriving vibrant community celebrated for its value of tradition encompassing a safe family oriented community, schools of excellence, and life long opportunities for prosperity and happiness without sacrificing the rural agricultural tapestry.*

Persons with special needs relating to handicapped accessibility or foreign language interpretation should contact the ADA Coordinator at (229) 759-6000 or through the Georgia Relay Service (800) 255-0056 (TDD) or (800) 355-0135 (voice). This person can be contacted at the T. Page Tharp Building in Leesburg, Georgia between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except holidays, and will assist citizens with special needs given proper notice of seven (7) working days.

The meeting rooms and buildings are handicap accessible.



LEE COUNTY  
Planning Department  
Lee County, Georgia  
Zoning Staff Report

**DATE:** 7/6/2023

**APPLICATION TYPE:** Zoning Application

**APPLICANT:** Brittany Land Company, LLC

**REQUESTED ACTION:** Rezoning from AG to R-1L

**PURPOSE:** Undefined.

**LOCATION OF PROPERTY:** Land Lot 71, 2<sup>nd</sup> District, in Section Two of Running Deer Subdivision, with parcel frontages on Georgia Highway 32 and Plantation Drive (see applicant's Boundary Survey)

**PARCEL SIZE:** 49.297 Acres

**EXISTING CONDITIONS:**

**Present Zoning and Use of Property:** AG - Present use is vacant land.

**Adjacent Zoning/Use:**

**North**— AG and R-1 and I

**South**— R-1 and R-1L

**East**— AG and R-1

**West**— R-1

**Available Public Services:** Information about available public services was not included in the application.

**MEETING INFORMATION:** All meetings are held in the assembly room in the Lee County Administration Building unless otherwise advertised.

<b>Planning Commission (public hearing):</b>	07/06; 7:00pm
<b>County Commission (public hearing):</b>	07/11; 6:00pm
<b>County Commission (voting session):</b>	07/25; 6:00pm



### **STAFF RECOMMENDATION:**

Staff recommends **conditional approval** of the zoning application to change the zoning of the subject area from AG to R-1L based on the following factors. Per the Lee County Comprehensive Plan, the subject area is designated as Conservation and Agricultural area in the Comprehensive Plan's future land use map. The Conservation area designation includes the northern portion of the subject area. This future land use category is defined as areas prone to flooding or that lie in the 100-year floodplain, where development is generally discouraged due to environmental characteristics. Per Lee County GIS, the northernmost portion of the subject area (approximately 3 acres) is located within the FEMA zone of 1% annual change of flood hazard (100-year floodplain). While not entirely consistent with the Comprehensive Plan and its future land use plan that intends to discourage development in areas within or near floodplains, only a small portion of the subject property is likely impacted by floodplain. The balance of the property is designated as Agricultural in the Comprehensive Plan's future land use map. This is adjacent to the east of an area designed as Residential. The applicant's proposed plan meets most R-1L zoning requirements. However, the likely presence of floodplain in the northern end of the subject property requires conservation measures, consistent with Comprehensive Plan recommendations.

If the application is approved, then planning staff recommends the following conditions. The proposed development must reduce impacts on floodplains (and wetlands, if identified) to the extent possible. Floodplains and wetlands preservation affect the quality of life of residents by reducing flood hazard potential and maintaining water quality, which is critical to health and the economy. The Comprehensive Plan supports the conservation of land in floodplain located at the northern edge of the subject property.

### **USES ALLOWED IN THE PROPOSED ZONING DISTRICT THAT ARE NOT ALLOWED IN THE CURRENT ZONING DISTRICT:**

**Current Zoning:** AG

**Proposed Zoning:** R-1L

**Uses Allowed Under Proposed Zoning Districts and Not Under Current Zoning:**

1. Single-family residential use with density of 1 unit per 5 acres (well and septic), or 1 unit per 4 acres with public water.

### **PLANNING CONSIDERATIONS:**

1. **Will the zoning proposal permit a use that is suitable in view of the use, development, and zoning of adjacent and nearby property?**  
Development under the proposed R-1L zoning can be suitable with respect to the use, development, and zoning of the adjacent and nearby property as properties to the south and west are zoned R-1 and generally developed for

single family residential use on lot sizes ranging from approximately 3 acres to approximately 10 acres in size.

**2. What is the effect on the property value of the subject property should the existing zoning be retained?**

The value of the subject property is anticipated to be somewhat affected if the existing zoning is retained as the proposed R-1L residential zoning allow residential development at a higher density level, likely causing increase to the property value.

**3. If denied, will the effect on the applicant's property value under the existing zoning be offset by the gain to the health, safety, morals, or general welfare of the public?**

Denial of the rezoning request and preserving the existing AG zoning could result in gains to public health, safety, and general welfare as a result of limiting the potential to develop inhabited structures within the identified floodplain area.

**4. Has the property been undeveloped an unusual length of time as currently zoned, considered in the context of land development in the vicinity of the property?**

The subject property is vacant land that has not previously been developed. Land in the vicinity of the property has experienced development, and there is basic road infrastructure in the area that has provided access and road frontage for residential development in the past.

**5. Will the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical services?**

The proposed zoning is not expected to cause excessive or burdensome use of existing and nearby roadway infrastructure due to the low residential density allowances due to large lot size requirements in R-1L, especially where public water and sewer are not available. Based on the size, location and configuration of the subject property, it is not likely that more than 10 new homes could be developed (note: the applicant has not provided a proposed development plan to accompany and inform this rezoning application).

**6. Is the zoning proposal in conformity with the policy and intent of the future land use plan for the physical development of the area?**

Per the Lee County Comprehensive Plan, the subject area is designated as Conservation and Agricultural area in the Comprehensive Plan's future land use map. The Conservation area designation includes the northern portion of the subject area. This future land use category is defined as areas prone to flooding or that lie in the 100-year floodplain, where development is generally discouraged due to environmental characteristics. Per Lee County GIS, the

northernmost portion of the subject area (approximately 3 acres) is located within the FEMA zone of 1% annual change of flood hazard (100-year floodplain). While not entirely consistent with the Comprehensive Plan and its future land use plan that intends to discourage development in areas within or near floodplains, only a small portion of the subject property is likely impacted by floodplain. The balance of the property is designated as Agricultural in the Comprehensive Plan's future land use map. This is adjacent to the east of an area designed as Residential on the future land use map. In general, the future land use plan for the physical development of the area describes a residential node on either side (north and south) of Highway 32, and the proposed rezoning is not inconsistent with that intent.

- 7. Is the subject property well suited for the proposed zoning purpose?**  
The majority of the subject property is likely suitable for low density residential development supported by R-1L. The northernmost part may not be suitable from an environmental standpoint with respect to floodplain.
- 8. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?**  
The proposed R-1L zoning would not be expected to adversely affect the existing residential use of adjacent and nearby property to the west and south. Property adjacent to the east and north is zoned AG though current use is forestry, generally, and not active agriculture, therefore the proposed R-1L zoning and potential residential development would not be expected to adversely impact existing use or usability of adjacent property to the east and north.
- 9. Does the subject property have a reasonable economic use as currently zoned?**  
As currently zoned AG, there are a number of potential uses for the subject property that would provide some economic value to the property owner. Allowable AG uses that are permitted for this property include grazing, livestock raising, plant nurseries and orchards, sod farming, forest management, raising of crops, agricultural products production, etc.
- 10. Are there other existing or changing conditions affecting the use of development of the subject property which give supporting grounds for either approval or disapproval of the zoning proposal?**  
The previous development of many homes under R-1L and R-1 zoning adjacent and nearby to the south and west of the subject property support rezoning of this property to R-1L, with limitation due to the likely presence of floodplain at the northern end.
- 11. Would the change create an isolated district unrelated to the surrounding districts, such as "spot zoning"?**

The zoning change would create R-1L zoning between an existing R-1 district and AG. Overall, the proposed zoning would more likely be considered reasonable transition in zoning as opposed to spot zoning, and the proposed zoning generally aligns with the development trend of the adjacent area as a whole.

**12. Are the present zoning district boundaries illogically drawn in relation to existing conditions in the area?**

The present zoning district boundaries are not illogically drawn based on the existing conditions of the area.

**13. Is the change requested out of scale with the needs of the county as a whole or the immediate neighborhood?**

The change requested is not out of scale with the needs of the neighborhood area or the county in terms of R-1L zoning in general.

**14. Is it impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned?**

The proposed zoning is presumably being requested in order to add additional residential development density potential to the subject property. Most likely, it is not impossible to find sites of similar size in districts already zoned to permit the proposed uses.

**15. Would there be an ecological or pollution impact resulting from the proposed zoning if it is granted?**

There could be an ecological impact resulting from development in floodplains and/or in direct proximity to wetlands. Should the zoning proposal be approved, all development guidelines would need to be carefully followed during the development process to ensure no ecological or pollution impacts occur. As the Lee County code notes, it is critical to protect floodplains, wetlands and streams in order to protect environmental resources which in turn impact the quality of life and health of the community.

LEE COUNTY  
CITY OF LEESBURG  
CITY OF SMITHVILLE



ZONING APPLICATION

Owner: BRITTANY LAND CO, LLC  
Address: PO BOX 72345 ALBANY GA 31708  
Daytime Phone #: 343-2440 Email: \_\_\_\_\_  
Address or location of the property: US 32 W

In order that the general health, safety and welfare of the citizens may be preserved, and substantial justice maintained, I (We) the undersigned request in connection with the property hereinafter described:

Present Zoning AG Present Use of Property: \_\_\_\_\_

Proposed Zoning R-14 Proposed Use of Property: \_\_\_\_\_

\_\_\_\_\_ Land Lot Number \_\_\_\_\_ Land District 49<sup>+</sup> # of Acres

The subject property is described as follows:  
VACANT LAND

ALSO ATTACH (13 COPIES REQUIRED)  Plat of property, including vicinity map  
 Legal description Containing Metes and Bounds

DISCLOSURE  
\_\_\_\_ I (owner) have made campaign contributions having an aggregate value of \$250.00 or more, or made gifts having an aggregate value of \$250.00 or more to an official of (Lee County, City of Leesburg, City of Smithville) (circle one) within two (2) years of application.  
 I (owner) have NOT made campaign contributions having an aggregate value of \$250.00 or more, or made gifts having an aggregate value of \$250.00 or more to an official of (Lee County, City of Leesburg, City of Smithville) (circle one) within two (2) years of application.

I hereby certify that I am the owner and/or legal agent of the owner, in fee simple of the above-described property.

WITNESS \_\_\_\_\_ OWNER: BRITTANY LAND CO LLC  
BY-NOD MEMBER MANAGE  
DATE 6-9-2023 DATE 6-9-2023

Application Fee: 1500<sup>00</sup> Date Paid: 6-9-2023 received by: \_\_\_\_\_

In my absence, I authorize the person named below to act as the applicant in the pursuit of action for the application.

Applicant Name: BRITTANY LAND CO, LLC  
Address: PO BOX 72345  
Phone #: 343-2440 Email: \_\_\_\_\_

AREA = 49.297 ACRES

BRITTANY LAND COMPANY  
LLC.

DEED BOOK 136 PAGE 226  
DEED BOOK 138 PAGE 114  
CURRENTLY ZONED AG  
PROPOSED ZONING R-1

BRITTANY PLANTATION  
SECTION X  
PLAT CABINET E SLIDE E 15-B  
ZONED R-1

COMMENCING POINT  
NORTHWEST CORNER OF LOT 106  
OF BRITTANY PLANTATION  
SECTION X

PROPERTY OF  
BRITTANY LAND COMPANY  
LLC.

DEED BOOK 136 PAGE 226  
DEED BOOK 138 PAGE 114  
ZONED AG

PROPERTY OF  
BRITTANY LAND COMPANY  
LLC.

DEED BOOK 1136 PAGE 226  
DEED BOOK 1138 PAGE 114  
ZONED AG

RUNNING DEER S/D  
SECTION TWO  
PLAT CABINET E SLIDE 56  
ZONED AG AND R-1

RUNNING DEER S/D  
SECTION TWO  
PLAT CABINET E SLIDE 56  
ZONED AG AND R-1

RUNNING DEER S/D  
SECTION TWO  
PLAT CABINET E SLIDE 56  
ZONED R-1

RUNNING DEER S/D  
SECTION TWO  
PLAT CABINET E SLIDE 56  
ZONED AG AND R-1

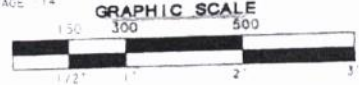
PROPERTY OF  
BRITTANY LAND COMPANY  
LLC.

DEED BOOK 1136 PAGE 226  
DEED BOOK 1138 PAGE 114  
COMMON AREA  
ZONED R-1

GEORGIA HIGHWAY NO. 32  
100' R/W

LEGEND

- C-X DEAGTES
- RF-15 5/4 IRON REBAR SET
- RF-16 5/4 IRON REBAR FOUND
- RF-17 RIGHT OF WAY
- RF-18 METAL POSTS PLACED
- RF-19 CONCRETE MONUMENT FOUND
- RF-20 YELLOW PAINT PLACED
- RF-21 IRON TIPS FOUND
- RF-22 WIRE FENCE



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 36°57'29"E	22.01
L2	S 60°01'30"E	88.77
L3	N 00°00'00"E	13.16
L4	S 26°34'05"W	235.21
L5	N 61°43'14"W	40.00
L6	S 06°54'34"W	155.96
L7	S 02°45'10"W	287.53
L8	S 10°48'36"E	168.61
L9	S 21°18'10"E	494.08
L10	S 16°59'22"E	87.51
L11	S 01°43'27"E	95.79
L12	N 61°43'30"W	57.74
L13	N 01°43'27"W	60.22
L14	N 16°59'22"W	78.93
L15	N 21°18'10"W	496.79
L16	N 10°48'36"W	179.15
L17	N 02°45'10"E	295.29
L18	N 06°54'34"E	225.65
L19	N 01°24'20"E	243.90
L20	N 06°35'18"E	138.80
L21	N 13°17'36"E	158.18
L22	N 21°10'35"E	187.65
L23	N 16°54'58"E	216.91
L24	N 02°08'17"E	186.70
L25	S 87°14'18"W	35.98
L26	N 29°49'27"W	124.74
L27	N 37°07'12"W	102.44
L28	N 36°14'57"W	115.86
L29	N 41°36'34"W	70.29
L30	N 64°08'31"W	43.10
L31	S 69°17'03"W	102.88
L32	S 56°05'58"W	98.03
L33	N 22°38'01"W	242.63
L34	N 08°37'14"W	204.71
L35	N 21°15'25"W	80.00
L36	N 00°14'16"W	134.48
L37	N 23°35'21"W	49.92
L38	N 60°01'30"W	179.65

CURVE TABLE

CURVE	Area	Delta Angle	Chord	Ch Bear	Rad	xx	Tangent
C1	98.06	28°05'34"	97.08	S 14°14'05"W	300.00	50.04	
C2	78.45	28°05'34"	77.67	N 14°14'05"E	150.00	40.03	
C3	20.14	03°50'49"	20.14	N 66°49'09"E	300.00	10.08	

**LANGFORD ASSOCIATES, I NC.**  
PROFESSIONAL LAND SURVEYORS  
CONSULTING FORESTERS  
P.O. BOX 240 - 3054 CALHOUN STREET  
SHELLEMAN, GA, 39886  
TEL: 229-679-5072 FAX: 229-679-2160  
WEB: LANGFORDASSOCIATESINC.COM  
FIRM CERTIFICATE OF AUTHORIZATION NO. LRFD000332

**REZONING MAP**

**BRITTANY LAND COMPANY, LLC**

**LAND LOT 71 - 2ND LAND DISTRICT**

**LEE COUNTY, GEORGIA**

PLAT DATE: 06-01-2023  
FIELD SURVEY DATE: N/A  
SCALE: 1" = 300'  
DRAWING NO. L-5592  
DRAWN BY: D S L  
FIELD WORK BY: A S L

LEGAL DESCRIPTION

Brittany Land Company, LLC

Property To Be Rezoned From Ag to R-1

All that certain tract or parcel of land lying and being in a portion of Land Lot 71 of the 2nd Land District in Lee County, Georgia and being more particularly described as follows:

Commence at a point which is the northwest corner of Lot 106 of Brittany Plantation, Section X as recorded in Plat Cabinet E, Slide E115-B in the Office of the Clerk of Superior Court of Lee county, Georgia, and run S36deg57'29"E for a distance of 22.01 feet to a point; thence run S60deg01'30"E for a distance of 88.77 feet to a point, said point being the Point of Beginning; from this Point of Beginning run N00deg00'00"E for a distance of 13.16' to a point; thence run N90deg00'00"E for a distance of 470.20 feet to a point; thence run S65deg05'31"E for a distance of 856.04 feet to a point; thence run S26deg34'05"W for a distance of 235.21 feet to a point; thence run S19deg16'02"E for a distance of 1969.23 feet to a point; thence run S00deg11'18"W for a distance of 330.79 feet to a point; thence run around a curve to the right which has an arc of 98.06 feet and a radius of 200 feet, the chord being S14deg14'05"W for a distance of 97.08 feet to a point; thence run S28deg16'46"W for a distance of 1171.58 feet to a point which is on the north Right of Way of Georgia Highway 32; thence run along the north Right of Way of Georgia Highway 32 N61deg43'14"W for a distance of 40.00 feet to a point; thence run N28deg16'0046"E for a distance of 1171.58 feet to a point; thence run around a curve to the left which has an arc of 78.45 feet and a radius of 160 feet, the chord being N14deg14'05"E for a distance of 77.67 feet to a point; thence run N00deg11'18"E for a distance of 330.79 feet to a point; thence run N89deg48'42"W for a distance of 1143.17 feet to a point; thence run S06deg54'54"W for a distance of 155.96 feet to a point; thence run S02deg45'10"W for a distance of 287.53 feet to a point; thence run S10deg48'36"E for a distance of 168.61 feet to a point; thence run S21deg18'10"E for a distance of 494.08 feet to a point; thence run S16deg59'22"E for a distance of 87.51 feet to a point; thence run S01deg43'27"E for a distance of 95.79 feet to a point which is on the north Right of Way of Georgia Highway 32; thence run along the north Right of Way of Georgia Highway 32 N61deg43'09"W for a distance of 57.74 feet to a point; thence run N01deg43'27"W for a distance of 60.22 feet to a point; thence run N16deg59'22"W for a distance of 78.93 feet to a point; thence run N21deg18'10"W for a distance of 496.79 feet to a point; thence run N10deg48'36"W for a distance of 179.15 feet to a point; thence run N02deg45'10"E for a distance of 295.29 feet to a point; thence run N06deg54'54"E for a distance of 225.65 feet to a point; thence run N01deg24'20"E for a distance of 243.90 feet to a point; thence run N06deg35'18"E for a distance of 138.80 feet to a point; thence run N13deg17'36"E for a distance of 358.18 feet to a point; thence run N21deg10'35"E for a distance of 187.65 feet to a point; thence run N16deg54'58"E for a distance of 216.91 feet to a point; thence run N02deg08'17"E for a distance of 186.70 feet to a point; thence run S87deg14'18"W for a distance of 35.98 feet to a point; thence run N29deg49'27"W for a distance of 124.74 feet to a point; thence run N37deg07'12"W for a distance of 102.44 feet to a point; thence run N36deg14'57"W for a distance of 115.86 feet to a point; thence run N41deg36'34"W for a distance of 70.29 feet to a point; thence run N64deg08'31"W for a distance of 43.10 feet to a point;

thence run S69deg17'03"W for a distance of 102.88 feet to a point; thence run S56deg05'58"W for a distance of 98.03 feet to a point; thence run N22deg38'01"W for a distance of 242.63 feet to a point; thence run N08deg37'14"W for a distance of 204.71 feet to a point which is on the south Right of Way of Plantation Drive; thence run along the south Right of Way of Plantation Drive around a curve to the right which has an arc of 20.14' and a radius of 300.00 feet, the chord being N66deg49'09"E for a distance of 20.14 feet to a point which is on the endline of Right of Way of Plantation Drive; thence run along the endline of Right of Way of Plantation Drive N21deg15'25"W for a distance of 80.00 feet to a point; thence run N00deg14'16"W for a distance of 134.48 feet to a point; thence run N23deg35'21"W for a distance of 49.92 feet to a point; thence run N60deg01'30"E for a distance of 179.65 feet to a point which is the Point of Beginning.

Said Tract contains 49.297 acres.





LEE COUNTY  
Planning Department  
Lee County, Georgia  
Staff Report

Variance Application Review – Oakland Plantation Partners LLC

**Application Name:** Variance Application

**Date:** 7/6/2023

**Applicant Name:** Lanier Engineering, Inc.

**Property Owner:** Oakland Plantation Partners LLC

**Location:** Land Lots 219, 220, 229, and 230 in the 2<sup>nd</sup> Land District – within the Oakland Parkway Commercial Subdivision (Parcel ID# 017D004)

**Parcel Size:** 39.316 acres

**Requested Action:** Variance to allow modified setbacks for multiple lots as follows: 18 feet front setbacks, 10 feet rear setbacks, 18 feet side street setbacks, and 5 feet side setbacks for each lot in the development.

**Existing Zoning:** R-2

**Adjacent Zoning**

**North:** R-1 and R-2

**South:** R-2, C-1 and C-2

**East:** R-1, R-2 and AG

**West:** R-2 and C-2

Application Summary & Staff Recommendation

The applicant is submitting a variance application associated with a project to develop an estimated total of 76 residential lots (inclusive of phases 1 and 2). The proposed 76 lots on the 39+ acre property equates to approximately 2 units per gross area of land. The proposed amount of greenspace to be provided is approximately double the requirement of 25%. Proposed lot sizes range from 0.172 acre to 0.293 acre with the typical lot being 0.200 acres in size (1/5 of an acre). The proposed development requires public water and sewer infrastructure; at present, public sewer capacity availability has not been confirmed. The applicant is requesting modifications to the standard R-2 setbacks for each lot. The R-2 standard front yard setback for single-family and duplex lots in R-2 is 35 feet and the requested modified front yard setback is 18 feet, a reduction of 17 feet (48.5% reduction). The R-2 standard for side and rear setbacks is 10 feet and the requested modified side setback is 5 feet, a reduction of 5 feet (50% reduction). The proposed 18 feet side street setbacks impacts the second street side of corner lots, for which the standard 35 feet front setback would typically apply. **This application meets the minimum requirements for variance approval per Sec. 38-42, 38-43, and 70-90.**

Variance Review Summary

The proposed modified setbacks for residential development lots in this R-2 district are apparently for the purpose of allowing an alternative approach to the design and construction of homes on each lot

relative to the standard setback requirements. There is adequate property size to allow the development to include 76 lots with standard setbacks, though the amount and quality of dedicated greenspace would likely be reduced. The site plan associated with the application makes clear the intent to reserve greenspace both in locations where there are environmental impediments (ephemeral pond with stormwater management function and wetlands) in the northern edge of the property, and also located where resulting greenspace will be usable as a recreational and gathering space in the center of the property. It is also noted that the nearby development zoned R-2 and named the Villas at Oakland Plantation is being constructed with similar lot sizes and modified setbacks.

Staff notes that this case has conditions that are peculiar to the subject property and proposed variances that are similar to properties in the nearby subdivision, and that if granted, the proposed variances from standard R-2 setbacks are not expected to cause substantial detriments to the public interest or impair the purpose or intent of the code of ordinances per Sec. 70-90.

1. Per Sec. 38-43: Each application for a variance or an appeal shall be filed, in writing, with the manager of development services; and the application shall contain at least the following information:
  - Identification of property concerned by street address or legal description;
  - A statement identifying the legal interest of the applicant;
  - A statement identifying the specific provision of this chapter having the variance or appeal being sought;
  - A statement identifying the special conditions and circumstances that should qualify for a variance or appeal; and
  - A statement identifying any special conditions, methods, design procedures, and/or construction procedures being submitted as the proposed alternative to this chapter.

*-All of the required variance requirements have been met per Sec. 38-42, 38-43 and 70-90.*



LEE COUNTY  
CITY OF LEESBURG  
CITY OF SMITHVILLE

**VARIANCE APPLICATION**

OWNER: OAKLAND PLANTATION PARTNERS, LLC  
ADDRESS: 3199 PALMYRA ROAD, ALBANY, GA 31707  
DAYTIME PHONE #: 883-5100 EMAIL: BCARR@SAFEAIRE.COM  
ADDRESS OR LOCATION OF PROPERTY: OAKLAND PARKWAY

In order that the general health, safety and welfare of the citizens may be preserved, and substantial justice maintained, I (We) the undersigned request in connection with the property hereinafter described:

Present Zoning R-2 Present Use of Property: VACANT

219.220.229.230 Land Lot Number 2ND Land District 39.316 # of Acres

Reasons for requesting variance:  
REQUEST VARIANCE TO THE LEE COUNTY ORDINANCE TO ALLOW 18'  
FRONT, 10' REAR, 18' SIDE STREET, 5' SIDE SET BACKS FOR EACH  
OF THE LOTS IN THE DEVELOPMENT.

ALSO ATTACH: (1 copy of each)  Plat of property, including vicinity map  
 Legal description Containing Metes and Bounds

I hereby certify that I am the owner and/or legal agent of the owner, in fee simple of the above-described property.

WITNESS Beth Pollock  
DATE: 6/6/23

OWNER [Signature]  
DATE: 6-6-2023

Application Fee: 150.00 Date Paid: 6/7/2023 Received by: \_\_\_\_\_

In my absence, I authorize the person named below to act as the applicant in the pursuit of action for the application.

Applicant Name: LANIER ENGINEERING, INC.  
Address: 1504 W THIRD AVENUE, ALBANY, GA 31707  
Phone #: 229-438-0522 Email: TLANIER@LANIER-ENGINEERING.COM

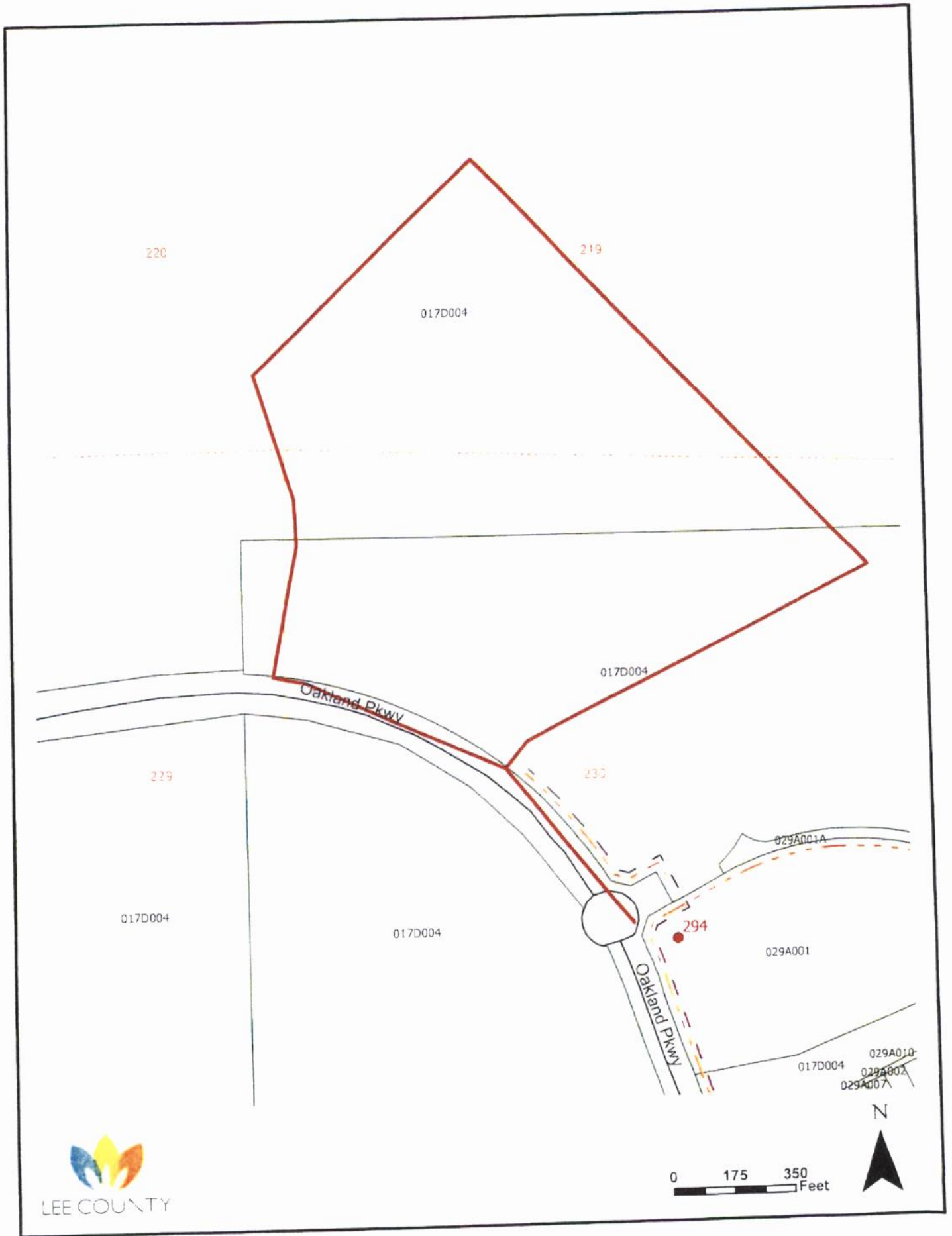
Legal Description  
Whisperwood (A Private Community)  
General Development

All that tract or parcel of land lying and being in Land Lots 219, 220, 229, 230, Second Land District, Lee County, Georgia and being more particularly described as follows:

Commence at the western most corner of Lot 16A Oakland Parkway Commercial Subdivision as recorded in Plat Cabinet F, Page 374 and follow a curve on the north right-of-way (120' R/W) for Oakland Parkway to the left which has a radius of 1300.66 feet and an arc of 575.93 feet, the chord being N 58 degrees 20 minutes 35 seconds W for a distance of 571.24 feet to a point which is the Point of Beginning.

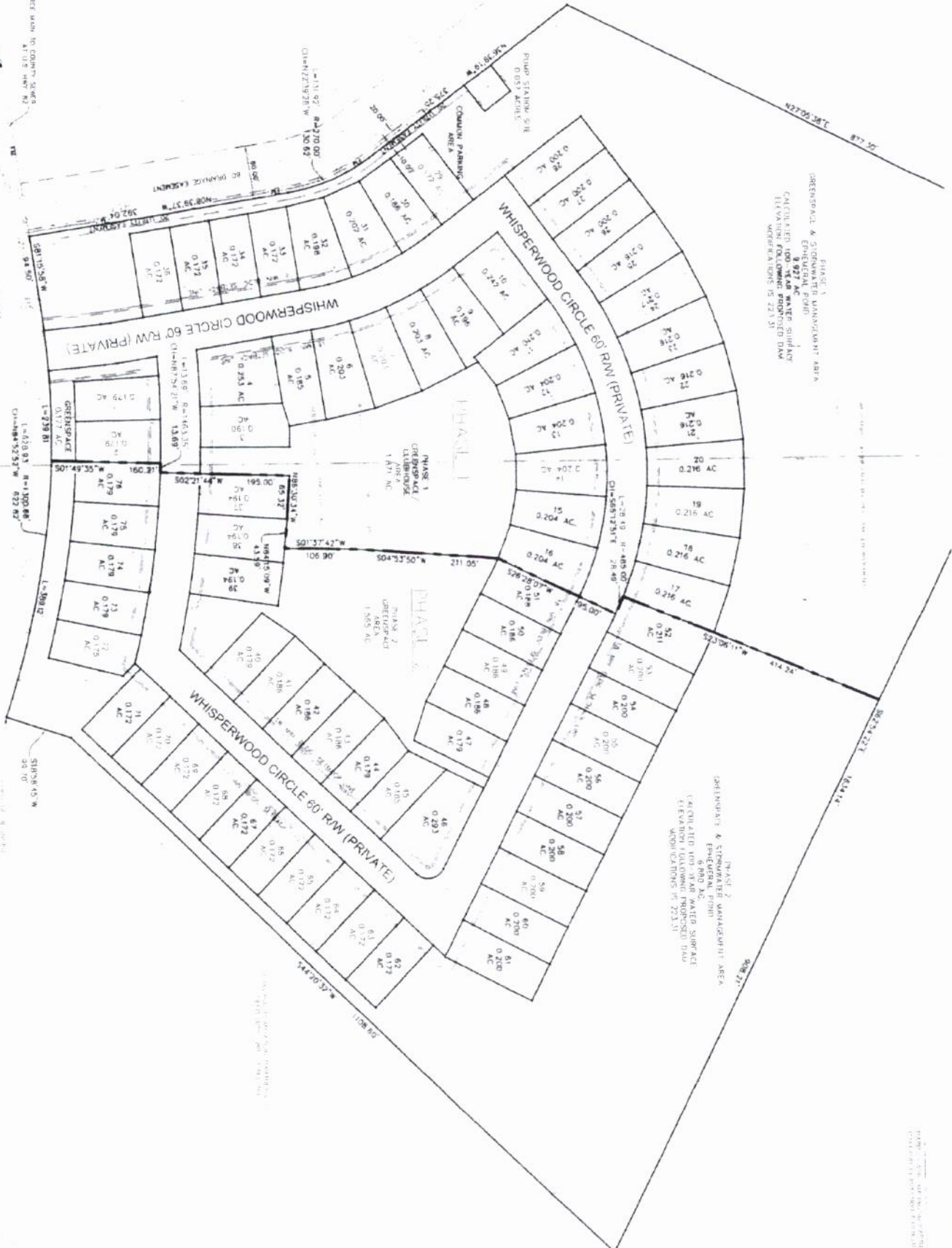
From the Point of Beginning continue along said right-of-way along the curve which has a radius of 1300.66 feet and an arc of 628.93 feet, with the chord being N 84 degrees 52 minutes 52 seconds W for a distance of 622.82 feet; thence go S 81 degrees 15 minutes 58 seconds W for a distance of 94.50 feet; thence go N 08 degrees 39 minutes 37 seconds W for a distance of 392.04 feet; thence go around a curve to the left which has a radius of 270.00 feet and an arc of 131.92 feet, the chord being N 22 degrees 39 minutes 28 seconds W for a distance of 130.62 feet; thence go N 36 degrees 39 minutes 19 seconds W for a distance of 375.25 feet; thence go N 27 degrees 05 minutes 38 seconds E for a distance of 877.30 feet; thence go S 62 degrees 54 minutes 22 seconds E for a distance of 1634.14 feet; thence go S 44 degrees 20 minutes 32 seconds W for a distance of 1108.60 feet; thence go S 18 degrees 58 minutes 45 seconds W for a distance of 99.70 feet to a point on the north right-of-way (120' R/W) of Oakland Parkway which is the Point of Beginning.

Said tract contains 39.316 acres.



OAKLAND PARKWAY 120' RW

FRONT MAIN TO COUNTY SEWER  
AT 105' HIGH RW



PHASE 1  
GREENPACE & STRIPWATER MANAGEMENT AREA  
FINAL PLAN  
CALCULATED 100' FEET WATER SURFACE  
ELEVATION FOLLOWING PROPOSED DAM  
MODIFICATIONS IS 220.51'

PHASE 2  
GREENPACE & STRIPWATER AREA  
FINAL PLAN  
CALCULATED 100' FEET WATER SURFACE  
ELEVATION FOLLOWING PROPOSED DAM  
MODIFICATIONS IS 223.51'

4.15233E+01  
04/06/2015 14:00:06  
5132



GENERAL DEVELOPMENT PLAN  
 WINDERMERE (A PRIVATE COMMUNITY)  
 PREPARED BY  
**HANLEY**  
 ARCHITECTS, INC.



**STATE OF GEORGIA**

**COUNTY OF LEE**

**AN ORDINANCE TO AMEND CHAPTER 70 OF THE CODE OF ORDINANCES OF LEE COUNTY (THE LEE COUNTY ZONING CODE) SO AS TO AMEND DEFINITIONS; AMEND GENERAL CONDITIONS RELATING TO ZONING APPLICATIONS; AMEND REQUIREMENTS FOR PUBLIC HEARINGS AND NOTICES FOR ZONING APPLICATIONS FOR THE PLANNING COMMISSION AND THE BOARD OF COMMISSIONERS; TO PROVIDE FOR ADVERTISEMENTS OF PUBLIC HEARINGS; TO PROVIDE FOR THE CONTENT OF SUCH PUBLIC NOTICES; TO PROVIDE FOR APPEALS OF ZONING DECISIONS; TO PROVIDE FOR APPEALS OF DECISIONS OF THE BOARD OF COMMISSIONERS GRANTING OR DENYING STAND-ALONE APPLICATIONS FOR VARIANCES AND APPLICATIONS FOR CONDITIONAL USE PERMITS; TO PROVIDE FOR OTHER MATTERS RELATING TO SUCH APPEALS; TO PROVIDE FOR THE APPLICABILITY OF THE COUNTY ZONING CODE; TO PROVIDE FOR RESOLUTION OF CONFLICTS BETWEEN THE COUNTY ZONING CODE AND THE STATE ZONING PROCEDURES ACT; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES, TO PROVIDE FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES**

---

Sec. 70-6. - Definitions.

For the purposes of these regulations certain words and tenses, used herein, shall be interpreted or defined as follows:

Words used in the present tense include the future tense.

The singular number includes the plural and the plural, the singular.

The word "person" includes a corporation, partnership, or association as well as an individual.

The term "shall" is always mandatory and not merely directory.

Terms not herein defined shall have the meanings customarily assigned to them.

The term "governing body" shall mean the Board of Commissioners of Lee County, Georgia.

*Accessory building:* A detached, subordinate structure, the use of which is clearly incidental to, customarily associated with and related to the principal structure or use of land, and which is located on the same lot as the principal structure or use. Accessory buildings shall include



storage buildings, tool houses, party houses, bathhouses (used in conjunction with swimming pools) and similar uses.

*Accessory use:* The use customarily incidental and accessory to the principal use of a building located upon the same building site as the principal use.

*Agriculture:* Agriculture shall be considered to mean the raising of soil crops and/or livestock in a customary manner on tracts of land 25 acres or more in size and shall include all associated activities. Retail selling of products raised on the premises shall be considered a permissible activity provided that space necessary for the parking of customer's vehicles shall be provided off the public right-of-way.

*Airfield:* Any area of land or water utilized for the landing or taking off of aircraft.

*Alley:* Any dedicated public way providing a secondary means of ingress to or egress from land or structure thereon.

*Alteration:* Any change, addition or modification in construction or type of occupancy; any change in the structural members of the building, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed."

*Ambulatory:* In respect to a person, the ability to move from place to place by walking, either unaided or aided by prosthesis, brace, cane, crutches or hand rails, or by propelling a wheelchair; and can perceive an emergency condition, whether caused by fire or otherwise and escape without human assistance, using the normal means of egress.

*Apartment:* A room or suite of rooms used as dwelling for one family which does its cooking therein.

*Apartment houses:* A residential structure containing three or more apartment units.

*Artificial lot:* The area of a one-acre or larger tract to be built on that is delineated for the purposes of calculating landscape requirements. This is only for calculating landscape requirements and only for tracts that are one acre or larger.

*Assisted living communities:* Provide assisted living care to adults who require varying degrees of assistance with the activities of daily living, but who do not require continuous medical or nursing care.

*Automobile wrecking yard, automobile used parts or auto graveyard:* Anywhere three or more vehicles not in running condition, or the parts thereof, are stored in the open or any building or structure used principally for wrecking or storage of automobiles not in running condition for automobile parts.

*Basement:* A portion of a building partly below grade and having less than five feet above the finished grade level of the building.

*Block:* A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, drainage ways, or boundary lines of municipalities or counties.

*Boarding house:* A residence or part thereof where meals and/or lodging are provided for compensation for three or more persons by pre-arrangement for definite periods. A boarding house is to be distinguished from a hotel, motel, or a nursing home.

*Buffer:* That portion of a given lot, not covered by buildings, pavement, parking, access and service areas, established as landscaped open space for the purposes of screening and separating properties with incompatible land uses, the width of which is measured from the common property line and extends the developed portion of the common property line. A buffer consists of trees, shrubs, and other natural vegetation undisturbed by grading or site development and replanted where sparsely vegetated or where disturbed for approved access and utility crossings.

*Buildable area:* The buildable area of a lot is the space remaining after the minimum open space requirements of these regulations have been complied with.

*Building:* Any structure having a roof, supported by columns or by walls and intended for shelter, housing or enclosure of any person, animal or goods. Where roofed structures are separated from each other by party walls having no opening passage, each portion so separated shall be considered a separate building.

*Building inspector:* The highest ranking building official of the governing body, or his representative.

*Building height:* The vertical distance of a building measured from the average elevation of the finished grade to the highest point on the roof surface.

*Building, principal:* A building in which the principal use of the lot on which it is located is conducted.

*Building setbacks:* The distance any part of any structure must be from any front, rear, or side property line. Building setbacks are established in this chapter.

*Caretaker or employee residence:* An accessory residence located inside or in addition to the principal structure or use of a parcel of land. Said residence must be occupied by a bona fide caretaker or the owner himself as necessary to the property's orderly operation or safety.

*Child care institution (CCI):* Any child-welfare aid facility which either primarily or incidentally provides full-time room, board, and watchful oversight to six or more children

through 18 years of age outside of their own homes, as licensed or commissioned by the Georgia Department of Human Services, Office of Residential Child Care (ORCC). This may include, at the discretion of the Planning Director, child caring facilities also regulated by ORCC for individuals up to 21 years of age, including outdoor child caring programs (OCCP), children transition care centers (CCTC), maternity homes, and runaway and homeless youth program (RHP).

*Clerk:* The clerk of the governing body.

*Clinic:* A professional office where the services of more than one practitioner can be obtained and where patients are studied or treated on an outpatient basis and where no overnight accommodations are provided.

*Club:* An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like, but not for profit.

*Community living arrangement (CLA):* Any residence, whether operated for profit or not, that undertakes through its ownership or management to provide or arrange for the provision of daily personal services, support, care, or treatment exclusively for two or more adults who are not related to the owner or administrator by blood or marriage and whose residential services are financially supported, in whole or in part, by funds designated by the department of behavioral health and developmental disabilities (DBHDD).

*Community residence:* A dwelling unit occupied to two or more typically unrelated persons as their normal place of residence, but in which separate cooking facilities are not provided for such resident persons. The term "community residence" includes, but is not limited to, a rooming house, boarding house, community living arrangement, and personal care home. A retirement community, assisted living facility, nursing home, hotel or motel, or bed and breakfast inn shall not be deemed to be a group (community) residence. (See chapter 70—Zoning, article III, section 70-99 for community residence requirements.)

*Conditional use:* A use which within certain districts specified by this chapter is not permitted as a matter of right but may be permitted within these districts by the county commission after the Planning Commission has:

- (1) Reviewed the proposed site plans for the use, its arrangement and design, its relationship to neighboring property and other conditions peculiar to the particular proposal which would determine its desirability or undesirability; and

- (2) Has found the proposal not to be contrary to the intent of this chapter. All conditional use applications will follow the same public notice, public hearing and review process as any application for rezoning.

*Convalescent home:* A convalescent home is a home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, wherein two or more persons are

cared for. Said home shall conform and qualify for licensure under state law. A retirement community facility or an assisted living facility or a nursing home is not a convalescent home.

*Cremation:* The reduction of a dead human body to residue by intense heat.

*Crematorium:* A location containing properly installed, certified apparatus intended for use in the act of cremation. Crematoriums do not include establishments where incinerators are used to dispose of toxic or hazardous materials, infectious materials or narcotics.

*Curb cut:* An alteration to an existing curb and gutter for the construction of a driveway to provide for ingress/egress between property and an abutting public street.

*Day care facility:* A day care facility is an individual or jointly owned facility designated to offer care and/or training to children unrelated to the owner or director for any part of a day on a regular basis. Such facility may or may not be operated for profit. Day care is not a baby-sitting service to be used for the convenience of the parents at irregular intervals (drop-ins).

(1) A group center (day nursery, day care center) is defined as a facility for six or more children, regardless of age, whose primary purpose is the care of the child for part of a day, while his parent or parents are absent from home.

(2) A nursery school is defined as a school for two-, three-, and four-year old children which operates for periods not to exceed four hours a day and whose primary purpose is education and guidance for healthy emotional and social development of children.

(3) Kindergarten is defined as a school for four- or five-year old children which operates for periods not to exceed four hours a day and whose primary purpose is education and guidance for healthy emotional and social development.

(4) Family day care is defined as a service in a private home, offering care in a family setting to a maximum of five children, including the foster family's own children during part of the day while the natural parents are absent from their home.

(5) Adult day care is defined as personal care and supervision in a protective setting for adults outside their own home for less than 24 hours per day. The program may include the provisions of daily medical supervision, nursing and other health care support, psycho-social assistance, or appropriate socialization stimuli or a combination of these. Adult day care is available for those persons who do not require 24 hour per day institutional care, but who, because of physical and/or mental disability, are not capable of full time independent living.

*Density:* The number of dwelling units developed on an acre of land. As used in this chapter, all densities are stated in dwelling units per gross acre.

*District:* A portion of the jurisdiction of the governing body within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas and other requirements are established.

*Drive-in establishment:* A business establishment, other than a drive-in restaurant, so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, and may include drive-in banks, drive-in cleaners, and drive-in laundries.

*Drive-in restaurant:* A restaurant or other establishment serving food and/or drink so developed that its retail or services character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle.

*Dwelling, single-family:* A building used or designed for use as a residence for a single-family.

*Dwelling, two-family (duplex):* A duplex is a building either designed, constructed, altered or used for two adjoining dwelling units that are connected by a common wall and/or if two stories by a common floor.

*Dwelling, multiple:* A building or portion thereof used or designed as a residence for three or more families living and cooking independent of each other in said building. This definition includes three family houses, four-family houses and apartment houses, but does not include hotels, motels, trailer camps or mobile home parks.

*Efficiency unit:* An efficiency unit is a dwelling unit consisting of one room, exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room, providing not less than 400 square feet of floor area.

*Erected:* Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of the erection.

*Essential services:* The erection, construction, alteration, or maintenance by public utilities, governmental departments or commissions, of underground, surface, or overhead; gas, communication, electrical, steam, fuel or water transmission or distribution systems, sewers, pipes, conduits, cable, fire alarm and police call boxes, traffic signals, hydrant and similar accessories in connection therewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or governmental departments for the general public health, safety, convenience or welfare.

*Event:* An event consists of a celebration, reception, party, concert, holiday gathering, family gathering, corporate function, general gathering, birthday party, retirement event, employee appreciation event, wedding, wedding reception, anniversary celebration, funeral, and other similar parties, receptions and events. An event center does not include retail sales, amphitheatres, rodeos, circuses, or similar public events. An event center may host either

public or private events. An event center shall be open only for scheduled event-based operations.

*Event center:* A commercial building or facility where events are permitted to occur under this article. Any such center shall be a permanent structure (not a temporary structure) which meets all local and state-wide building codes applicable to the type of commercial building to be used as an event center. An event center, building or facility, or the portion of a building or facility utilized as an event center, shall consist of not more than 10,000 square feet. No residential structure shall be considered to be an event center. Event centers may utilize indoor and outdoor spaces, provided that any outdoor activities hosted at event centers adjacent to residentially zoned property shall be limited to the hours of 10:00 a.m. to 10:00 p.m. Monday through Saturday and Sundays from 12:00 noon to 10:00 p.m. All event facilities shall be located on a collector or arterial street. Any on-site kitchen or catering facility shall comply with all applicable local and state regulations, including, but not limited to, the rules and regulations of the environmental health department, the Georgia Department of Agriculture, and compliance with chapter 6—Alcoholic Beverages in its entirety; particularly including section 6-37, Alcoholic beverage caterers.

*Family:* No more than six unrelated persons or one or more related persons occupying a housing unit and using common kitchen facilities and entrances, as distinguished from a group occupying a boarding house, or personal care home.

*Fast food restaurant:* A fast food restaurant is defined to be a restaurant that has all of the following characteristics.

- (1) Its principal business is the sale of food items and beverages of the kind, which can readily be taken out of the restaurant for consumption off the premises.
- (2) Utensils, if used at all, are made of plastic or other disposable materials. Food is packaged in paper or styrofoam or other disposable containers.
- (3) Service is not customarily provided to customers at their tables by employees of the restaurant.

*Farm:* A platted or unplatted parcel of land 25 acres or more in an area which is used for growing crops, raising livestock or other agricultural purposes.

*Farm stand:* A booth or stall located on a farm from which produce and farm products are sold to the general public.

*Filling:* Shall mean the depositing or dumping of any matter on or into the ground, except deposits resulting from common household gardening and general farm care.

*Flea market:* An outdoor and/or indoor facility established for the purpose of selling at retail such new or used items as household goods, tools, crafts or any other combination of new or

used goods. These markets, sales and displays are those that occur continuously or frequently, and specifically more than two times per year, normally at a fixed location where a proprietor, partnership, or corporation leases to vendors a booth, commercial stall or designated area from which the vendor markets his/her goods.

*Flood plain:* A nearly level alluvial plain that borders a stream and is subject to flooding unless protected artificially.

*Foster child:* A child unrelated to a family by blood or adoption with whom he or she lives for the purposes of care and education.

*Garage, private:* An accessory building designed or used for the storage of motor driven vehicles owned and used by the occupants of the building to which it is an accessory.

*Garage, public:* Any premises used for the storage or care of motor vehicles or place where any such vehicles are equipped for operation, repaired or kept for pay, hire or sale.

*Garden, private:* A non-commercial private garden which is an accessory use to the primary use of the zoning district. The primary use must be present at the same location as the garden in any zoning district with the exception of agricultural zoning districts.

*Ground mounted solar energy system* means an SES facility that is structurally mounted to the ground and does not qualify as an integrated SES. For purposes of the Lee County zoning code, any solar canopy that does not qualify as an integrated SES shall be considered a ground mounted SES, regardless of where it is mounted.

The *footprint* of a ground mounted SES facility is calculated by drawing a perimeter around the outermost SES panels and any equipment necessary for the functioning of the SES facility, such as transformers and inverters. The footprint does not include any visual buffer or perimeter fencing. Transmission lines (or portions thereof) required to connect the SES facility to a utility or consumer outside the SES perimeter shall not be included in calculating the footprint.

Ground mounted SESs shall be delineated by size as follows:

*Small scale ground mounted solar energy system (small scale SES)* means a ground mounted SES where the solar facility totals five acres or less.

*Intermediate scale ground mounted solar energy system (intermediate scale SES)* means a ground mounted SES where the solar facility totals not less than more than five acres, but less than 50 acres.

*Large scale ground mounted solar energy system (large scale SES)* means a ground mounted SES where the solar facility totals more than 50 acres.

*Group home:* A group home is a residential home use of a property for the care of individuals in the home environment who have mental and/or developmental disabilities, or individuals will benefit socially from living in a group environment. All group homes must be licensed by the appropriate state agency and must have a conditional use permit granted by the Board of Lee Commissioners prior to opening.

*Guest house:* A building or portion thereof used or designed for use as a residence, specifically as an accessory use to the principal building. Occupation of guesthouses shall be temporary [30 continuous days at a maximum].

*Halfway house:* A group home facility which is licensed or supervised by any federal, state, or county correctional facility to be used for health/welfare rehabilitation or similar purposes.

*Home occupation:* Any use conducted entirely within the dwelling and carried on by the inhabitants thereof, which use is incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Provided further, that no article or service is sold or offered for sale on the premises, except such as is produced by such occupation; that such occupation shall not require internal or external alterations or construction, open storage or signs not customary in residential areas. One non-illuminated name plate, which is not more than two square feet in area, may be attached to the building which shall contain only the name and occupation of the resident of the premises. Clinics, hospitals, childcare centers, and day nurseries, among others, shall not be deemed to be home occupations.

*Home occupation, residential:*

- (1) The home occupation use shall only be allowed in residential zoning districts which allow home occupations.
- (2) The dwelling unit must maintain a residential appearance and there shall be no outward evidence of the occupation or impacts in appearance, noise, light, odor, traffic and utilities that would be detectable beyond the dwelling unit.
- (3) The use shall be conducted entirely within the dwelling unit and accessory structures with not more than 25 percent of a property's gross floor area devoted to the home occupation.
- (4) Only persons living in the dwelling unit on a full time basis shall be employed at the location of the home occupation.
- (5) No more than one home occupation shall be authorized for any residential dwelling unit.
- (6) No business materials or equipment shall be stored at the premises of the home occupation unless such material or equipment is stored in an area within the residence. No



business vehicles used in the home occupation shall be stored on the premises where the home occupation is undertaken.

(7) The following businesses, uses, and activities shall be prohibited as home occupation uses: adult entertainment establishments; kennels; stables; veterinarian clinics; medical and dental clinics; restaurants, clubs, and drinking establishments; motor vehicle repair or small engine repair; funeral parlors; adult businesses; limousine service; taxi service; and wrecker service.

(8) No motor vehicle other than a passenger automobile, passenger van or passenger truck used by the resident as a personal vehicle shall be parked on the property.

(9) Non-conforming home occupation uses: Non-conforming uses permitted as of October 1, 2005, shall be allowed to continue to operate under the following conditions:

- a. No non-conforming use may be changed to another non-conforming use.
- b. No non-conforming use shall be increased, extended or enlarged beyond the size or scope of the use as it existed on the date of issuance of the current occupation tax certificate.
- c. The non-conforming use is specially designated to the current property and business owner. (The home occupational use is not transferable.)
- d. Violation of these conditions will result in an immediate and permanent revocation of the right to continue the non-conforming use.

*Hospital:* An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

*Industrialized Building:* Any structure or component thereof which is designed and constructed in compliance with the state minimum standards codes and O.C.G.A. 8-2-2 (Georgia Industrialized Buildings Act) and is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. See Rule 110-2-01.

*Junk:* Any motor vehicle, machine, appliance, scrap material or other items that are in a condition which prevents its use for the purpose for which it was originally manufactured.

*Junk yard:* Includes automobile wrecking yards and includes any area of more than 200 square feet for the storage, keeping or abandonment of junk, including scrap metals or other scrap

materials, or for the dismantling, demolition or abandonment of automobiles, or other vehicles or machinery or parts thereof, but does not include uses established entirely within enclosed buildings.

*Kennel:* Any lot or premises on which three or more dogs, four months or older, are kept either permanently or temporarily for commercial or breeding purposes.

*Laboratory:* A place devoted to experimental study, such as testing and analyzing. Manufacturing of product or products is not permitted within this definition.

*Landscape strip:* That portion of a given lot, not covered by buildings, pavement, parking, access and service areas, established as landscaped open space, the width of which is measured from the common property line and extending the developed portion of the property line. A landscape strip, as distinguished from a buffer, may be disturbed by grading or site development but shall be maintained as landscaped open space. A landscape strip may consist of grass lawns, decorative planting, berms, walls, fences or other approved features designed and arranged to produce an aesthetically pleasing effect within the development.

*Loading strip:* An off-street space on the same parcel of property with the building or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

*Lodging house:* A lodging house or rooming house is a building other than a hotel or motel where lodging is provided for five or more persons for compensation pursuant to previous arrangement.

*Lot:* A parcel of land occupied or intended to be occupied by a principal building or use and any accessory building and uses customarily incident to it, and including open spaces not less in extent than those required in connection therewith by these regulations.

*Lot area:* The size of a lot measured within the lot lines as expressed in terms of acres or square feet.

*Lot, corner:* A lot abutting on two streets at their intersection. The minimum front yard setback shall be observed on both street frontages.

*Lot depth:* The mean distance between the front and rear lot lines.

*Lot, double frontage:* An interior lot having frontages on two or more parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, one street will be designated as the front street on the plat and the request for a building permit will indicate which street is the designated front street.

*Lot, flag:* Lots which have adequate land area for two lots but which do not have adequate street frontage for more than one lot. The standards require access for fire protection and also

require screening in the higher density residential areas to protect the privacy of abutting residences. The intent of flag lots is to provide additional housing and commercial opportunities and to promote the efficient use of land.

*Lot, frontage:* That portion of a lot extending along a street right-of-way line.

*Lot, interior:* A lot other than a corner lot.

*Lot lines:* The property lines bounding the lot.

(1) Front lot line: On a lot abutting upon a public street, the front lot line shall mean the line separating such lot from such street right-of-way.

(2) Rear lot line: Ordinarily, the lot line that is opposite and most distant from the front lot line of the lot. In the case of an irregular shaped lot the county planner shall designate the rear lot line.

(3) Side lot line: Any lot line that is not a front or rear lot line.

*Lot of record:* A parcel of land, the dimensions of which are shown on a map or plat on file with the clerk of superior court of the county and which actually exists as shown, or any part of such parcel held in a recorded ownership separate from the ownership of the remainder thereof.

*Lot width:* The distance between the side lot lines, measured along the front building line and parallel to the street right-of-way.

*Manufactured home:* A factory built structure that is manufactured or constructed under the authority of 42 United States Code Section 5401 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving it to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home, except as hereafter provided.

*Manufactured home park:* A licensed business operation which leases spaces for permanent or for temporary occupancy for periods exceeding 30 days for mobile homes and, under some conditions, travel trailers.

*Manufactured home stand:* The site designed for the placement of a manufactured home and its cabana, accessory structures, utility connections and off-street parking facilities.

*Maximum lot coverage:* The part or percentage of the lot that may be occupied by buildings or structures, including accessory buildings or structures.

*Memory care services* means the additional watchful oversight systems, programs, activities, and devices that are required for residents who have cognitive deficits which may impair memory, language, thinking, reasoning, or impulse control, and which place the residents at risk of eloping, i.e., engaging in unsafe wandering activities outside the home.

*Memory care unit* means a specialized unit or home that either holds itself out as providing memory care services or provides personal services in secured surroundings.

*Mobile home*: A manufactured home built before June 15, 1976, which does not meet current building codes.

*Modular homes*: Factory built housing certified as meeting local or state building codes as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site built homes.

*Motor vehicle repair*: General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame or fender straightening and repair; overall painting; but not including undercoating of automobiles unless conducted in a completely enclosed spray booth.

*Motor vehicle wash establishment*: A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

*Non-conforming use*: Any building or land use which lawfully exists at the time of adoption of this chapter and which does not now conform with the use regulations of the district in which it is located.

*Nursery (tree and shrub)*: An area or establishment devoted to the raising and care of trees, shrubs, or similar plant materials.

*Nursing home*: Any facility which primarily provides skilled nursing care and related services to residents who require medical or nursing care, rehabilitation services to the injured, disabled, or sick; or, on a regular basis, provides health care and services to individuals who, because of their mental or physical condition, require care and services (above the level of room and board) which is available to them only through such facility and is not primarily for the care or treatment of mental disease or defect. A nursing home must be properly licensed as a nursing home under state law.

*Off-street parking lot*: A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exits for the parking of more than two automobiles.

*Open air business uses*: Open-air business use shall include the following:

(1) Retail sale of trees, shrubbery, plants, flowers, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.

(2) Retail sale of fruits and vegetables.

(3) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.

(4) Bicycle, trailer, motor vehicles, mobile homes, boats or home equipment sales, services or rental services.

(5) Outdoor display and sale of prefabricated storage buildings, garages, swimming pools and similar use.

*Open space, landscaped:* That portion or portions of a given lot, not covered by buildings, pavement, parking access and service areas, set aside and maintained as a buffer, landscape strip or other approved open area.

*Outdoor display:* The open display of items, outside of any principal or accessory building that does not include walls for enclosure, that is for the primary purpose of attracting attention to the specific item from nearby or adjacent streets or roads.

*Outdoor storage:* The open storage of any items, whether business related or personal, outside of any principal or accessory building or structure that does not include walls for enclosure.

*Parking space:* An area of not less than nine feet wide and 20 feet long, for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances or exits and being fully accessible for the storage or parking of permitted vehicles.

*Personal care home:* A building or buildings in which housing, meals, and 24-hour continuous watchful oversight for two or more adults are provided and which facility is licensed or permitted as a personal care home by the State of Georgia. The term "personal care home" shall not include a child caring institution, transitional housing, a rehabilitation housing facility, a rooming house, a boarding house, or any other facility which provides residential services for federal, state, or local correctional institutions. A personal care home includes a community living arrangement, which is an establishment licensed by the state which undertakes, through their ownership or management, to provide or arrange for the provision of daily personal services, care, or treatment for two or more adults who are not related to the owner or administrator and whose residential services are financially supported, in whole or in part, by funds designated to the department of behavioral health and development disabilities. The term also includes memory care units which provide memory care services in a secured environment. There are three types of personal care homes, as follows:

(1) Family personal care home: A personal care home of any family-type residence, which is non-institutional in character, and which offers care for two to six adults;

(2) Group personal care home: A personal care home in a residence or other type of building that is non-institutional in character and offers care for seven to 15 adults; and

(3) Congregate personal care home: A personal care home that offers care to 16 or more adults.

For purposes of the definitions of "personal care home," personal services include, but are not necessarily limited to, individual assistance with or supervision of self-administered medication, assistance with ambulation and transfer, and assistance with essential activities of daily living, such as eating, bathing, grooming, dressing, and toileting.

*Planned unit development:* A planned unit development is a single parcel of land within which a number of buildings (uses) are located or intended to be located in accordance with an overall plan of design and not in relation to a prearranged pattern of land subdivision. Examples of a planned unit development (P.U.D.) include a complex of apartment buildings, offices and a shopping center with a number of stores.

*Prime farm land:* Land in the county which is best suited for producing feed, forage, fiber, and oil seed crops and also available for these uses. It has the soil quality, growing season, and moisture supply needed to produce sustained good yield of crops economically if treated and managed, including water management, according to modern farming methods.

*Private event:* A private event is an event held under this article which is an invitation-only event.

*Private home care provider:* A private home care provider provides private home care services. The private home care provider is an agency that is licensed by the state to provide services at a client's residence that involves direct care to the client of the provider and includes nursing services, personal care tasks, and companion or sitting tasks. Such services are provided through the private home care providers own employees or agents.

*Produce stand/curb market:* A permanent or semi-permanent building stand not exceeding 200 square feet of floor area intended to provide a place to sell at retail only perishable farm and garden vegetables and orchard or grove fruits, but not including buildings or structures erected by a bona fide farmer for the sale of seasonal produce grown on their land in an Agricultural Zoning District.

*Public event:* A public event is an event held under this article where the public is invited or allowed to attend. For purposes of this article, an event for which tickets or other evidence of authority to attend the event are required for persons in attendance at the event, whether such tickets are purchased or distributed without any cost or considerations, shall be considered to be a public event.

*Recovery residents:* Housing for persons released from prisons, jails, or mental health facilities, who need a more restrictive environment than outpatient services in order to establish or maintain abstinence from alcohol and other drugs, criminal activities, or other behavioral issues which are not compatible with general society. Recovery residences are characterized according to the intensity of the substance abuse services counseling that is delivered as follows:

(1) Standard recovery residences (SRR) require all residents to attend one or more hours of substance abuse services or counseling, or mental health counseling, per week;

(2) Intensive recovery residences (IRR) require all residents to attend five or more hours of substance abuse counseling, or mental health counseling, per week, which counseling is delivered by certified substance abuse counselors.

*Recreation facility, commercial:* A recreation facility operated as a business and open to the public for a fee.

*Reference level:* The reference level for any building is seven inches above the existing curb, or in the absence of an existing curb, above the crown of the adjacent public road.

*Rubbish:* The miscellaneous waste material resulting from housekeeping, mercantile enterprises, trades, manufacturing offices and construction enterprises, including other waste material such as slag, stone, broken concrete, fly ash, tin cans, glass, scrap metal, rubber, paper, rags, chemicals, and/or similar or related combinations thereof.

*Screening:* Also referred to in the text as "protective screening" is a visual and acoustical barrier which, through the use of buffers, natural topography, landscaping, fences, walls, beams or approved combination thereof, is of such nature and density that provides year-round maximum capacity from the ground to a height of at least six feet that screens structures and activities on the lot from view from the normal level of a first story window on an abutting lot.

*Service station:* A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in vehicles, and including space for facilities for the temporary storage of vehicles, minor repair or servicing.

*Shopping center:* Two or more commercial establishments planned and managed as a single unit with off-street parking and loading facilities provided on the property.

*Sign, business:* A sign which directs attention to a business, profession, product, service, activity or entertainment conducted, sold or offered on the premises at which the sign is located.

*Sign, freestanding:* A sign which is supported by one or more columns, uprights or braces in or upon the ground, or by another structure, the sole purpose of which is to support the sign. A freestanding sign is not attached to a building.

*Sign, general advertising:* A sign which directs attention to a business, profession, idea, product, service, activity, or entertainment not conducted, sold or offered on the premises upon which the sign is located. It may either be freestanding or be attached to the building. A general advertising sign is commonly known as a "billboard."

*Sign, wall:* A sign, which is attached to the wall of any building. A wall sign shall project not more than 12 inches from the building.

*Sign, area:* The smallest square, rectangle, triangle, circle or combination thereof that encompasses the entire area devoted to advertising, information or identification. The term "sign area" includes trim, but excludes structural supports. (In the case of a sign with two sides for display, one side only shall be counted in determining sign area.)

*Single parcel ownership:* Possession of a parcel of property wherein the owner does not own adjoining property.

*Soil removal:* Shall mean the removal of any kind or soil or earth matter which includes topsoil, sand, gravel, clay or similar materials or any combination thereof, except common household gardening and general farm care.

*Solar energy system (SES)* means a device, a structural design feature, or a facility which provides for the collection of solar energy for electricity generation, consumption, or transmission, or for thermal applications.

For purposes of the Lee County zoning code, SES or SES facility refers only to (1) photovoltaic SES that convert solar energy directly into electricity through a semiconductor device or (2) solar thermal systems that use collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling.

*SES or SES facility*, as used in the Lee County zoning code excludes concentrated solar power, which uses mirrors to focus the energy from the sun to produce electricity.

*Stable, commercial:* Any place established for gain or profit at which more than four adult horses are kept for the purpose of training, boarding, riding, sale or breeding or where instruction pertaining to the same is given for a fee.

*Story:* That portion of a building, other than the cellar or mezzanine, included between the surface of any floor and the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it. For the purpose of these regulations, a basement or cellar shall be counted as a story if over 50 percent of its height is above the level from which the height of the building is measured, or if it is used for business purposes, or if it is



used for dwelling purposes by other than a janitor or domestic servant employed in the same building including the family of the same.

(1) *Ground story:* The lowest story of a building, the floor of which is not more than 12 inches below the elevation of the reference level.

(2) *Half-story:* The part of a building between a pitched roof and the uppermost full story, said part having a finished floor area which does not exceed one-half of the floor area of said story.

(3) *Mezzanine:* Shall be deemed a full story when it covers more than 50 percent of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor above it is 24 feet or more.

*Street:* A thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley. A public street is a street accepted by dedication or otherwise by the governing body. A private street is a street not so accepted.

*Structure:* Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground. Among other things, structures include buildings, manufactured homes, signs, swimming pools and fallout shelters but do not include walls or fences.

*Structural alteration:* Any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders or any change in the width or number of exits, or any structural change in the roof.

*Subdivision regulations:* Regulations as adopted by the governing body governing the subdivision of land.

*Swimming pool:* Any structure or container intended for swimming or bathing located either above or below grade designed to hold water to a depth of greater than 24 inches.

*Townhouse:* One of a group of two or more attached single-family residences. Each townhouse unit is separated from the adjoining unit or units by an approved firewall or walls. Firewalls shall be located on the lot line. Each townhouse has a front and rear ground level entrance. The townhouse is located on its own approved, recorded, lot.

*Transitional housing facility:* A building or buildings in which is provided long-term but not permanent living accommodations for more than six persons who have no permanent residence and who are in need of long-term housing assistance.

*Truck gardening:* Truck gardening is the use of land for growing edible vegetables, fruits, and other crops for resale and commercial purposes. Household gardening by a property owner for

a hobby or purely local consumption by himself and his family residing on the same premises shall not be considered to be truck gardening.

*Use:* The purpose for which land, premises, or a building thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

*Utility room:* A room or space, located other than in the basement, specifically designed and constructed to house utilities, such as major home appliances.

*Variances:* A variance is a relaxation to the terms of this zoning chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the particular property and not the result of any action of the applicant, a literal enforcement of the ordinance requirements would result in unnecessary and undue hardship.

*Water system, community:* A public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

*Water system, individual:* A potable water system other than a community or public water system, serving no more than two principal buildings, residence or other facility designed or used for human occupancy or congregation on one lot.

*Water system, public:* A system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.

(1) Any collection, treatment, storage and distribution facilities under the control of the operator of such system and used primarily in connection with such system.

(2) Any collection or pretreatment storage facilities not under such control which are primarily in connection with such system. A public water system is either a community water system or a noncommunity water system.

*Yard, front:* A space extending the full width of the lot and situated between the right-of-way line of the abutting street and the front line of the principal building.

*Yard, rear:* A space extending across the full width of the lot between the rear line of the principal building and the rear line of the lot.

*Yard, side:* A space situated between the principal building and side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

*Zero lot line:* The location of a building on a lot in such a manner that one or more of the building sides rest directly on a lot line.

*Zoning:* The power of local governments, including Lee County, to provide within its territorial boundaries for the zoning of property for various uses and the prohibition of other or different uses within such zones and for the regulation and development and improvement of real estate within such zones in accordance with the uses of property for which such zones were established.

*Zoning decision* means final legislative action by the Lee County Board of Commissioners which results in:

- (1) The adoption or repeal of a zoning ordinance;
- (2) The adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance;
- (3) The adoption or denial of an amendment to a zoning ordinance to rezone property from one zoning classification to another;
- (4) The grant or denial of a permit relating to a special use property;
- (5) The grant or denial of a variance or conditions concurrent and in conjunction with a decision pursuant to subparagraph 3 or subparagraph 4 of this paragraph.

*Zoning ordinance:* The ordinance or ordinances adopted from time to time by Lee County establishing procedures and zones within the unincorporated area of Lee County which regulates the uses and development standards of property within such zones. The term shall also include the zoning map adopted in conjunction with the zoning ordinance which shows the zones and zoning classifications of the property therein.

(Ord. of 12-2-2002, § 70-6; Res. No. Z05-020, 9-19-2005; Ord. of 3-27-2018 , pt. 1; Ord. of 1-28-2020, pt. 1 ; Ord. of 4-27-2021 ; Ord. of 10-12-2021 ; Ord. of 10-26-2021 , pt. 1)

Cross reference— Definitions generally, § 1-2.

Sec. 70-686. - General conditions.

(a) These regulations, including the zoning map, may be amended by the Board of Commissioners:

- (1) On its own motion; or
- (2) On petition submitted by the owner of real property or an agent of the owner of real property. .

(b) The following policies and procedures are herein established to provide guidelines for zoning decisions as defined in Section 70-6 of the Code of Ordinances.

(c) Applications for amendment of this chapter may be made in the form of proposals for amendments of the text of this chapter or proposals for amendment of the zoning map. Applications for amendment shall be on forms provided by the Planning Director or his designee, shall be submitted to the Planning Director, or his designee, and shall include a fee as established by the Board of Commissioners to defray expenses.

(d) Applications shall be submitted by the last Friday of each month, as an established submittal deadline in order for the application to be reviewed by the Planning commission the following month. Only completed applications will be accepted by the established submittal deadline.

(e) No application for a zoning change affecting the same parcel of property or part thereof previously defeated shall be accepted by the Planning Director, or his designee until the expiration of at least six months immediately following the defeat of the rezoning request by the Board of Commissioners.

(f) Application forms shall be obtained from the Planning Director, or his designee and shall include but not be limited to the following:

- (1) The street address and location of the subject property.
- (2) A legal survey plat of the property in question including a locator map. Plat must include signature of registered surveyor and registration number. **Legal description?**
- (3) The present zoning classification and the proposed zoning classification for the subject property.
- (4) All applications shall be signed by the owners or authorized agent (authorization must be on file) and include the name, address, and daytime phone number of the owner or authorized agent.
- (5) The area of land proposed to be rezoned shall be stated in acres to the nearest hundredth of an acre.
- (6) The application file number, date of application, and action taken on all prior rezoning for all or a part of the subject property.
- (7) In the case of a text amendment, the application shall set forth the new text to be added and the existing text to be deleted.

(Ord. of 12-2-2002, § 70-686)

Sec. 70-687. - Referral of the Planning Commission.

(a) The Planning Commission shall review each application in light of the comprehensive plan, the future land use plan, the zoning criteria, and other facts presented at their meeting and issue a finding which recommends "approval" or "denial" of the application. The Planning Director, or his designee, will prepare a report on each application to assist the Planning Commission in their decision making process. The Planning Commission finding shall be forwarded as a recommendation to the Board of Commissioners. If a quorum of the Planning Commission is present and fails to take action at the advertised public hearing, it will be forwarded to the Board of Commissioners with no recommendation. The minutes of the Planning Commission meeting will be given to the Board of Commissioners so that they may take into account all issues that were raised.

(Ord. of 12-2-2002, § 70-687)

Sec. 70-687.1. – Public hearings and notices for all applications.

(a) All applications as specified in this chapter shall require public hearing prior to action on said application.

(b) The Planning Commission, or the Board of Commissioners shall hold a public hearing on all applications. The public hearing shall constitute the public hearing as required by the Georgia Zoning Procedures Law (O.C.G.A. § 36-66-1 et seq.) All hearings should be heard in accordance with the annual schedule prepared for and adopted by each individual board, and may be amended from time to time. The public hearing shall be heard by:

(1) The Lee County, Leesburg, and Smithville Planning Commission (the "Planning Commission") is hereby designated as the board that shall hold a public hearing on applications to amend the text of this Article, rezoning applications, variance applications, and conditional use permits. The Planning Commission shall also hold a public hearing on all variance requests that were filed and scheduled to be considered simultaneously and pertain to the same property with rezoning or conditional use permit requests. The Planning Commission shall also hold a public hearing on all variance and conditional use requests which were filed as stand-alone requests not related to any simultaneously filed rezoning request.

(2) The Board of Commissioners is hereby designated as the board that shall hold the second public hearings on all amendments to the texts of this Code, zoning amendments, variance requests, and conditional use requests, and to make the final decisions regarding such matters.

Sec. 70-688. – Advertisement of public hearings.

(a) Applications to amend the text of this Code, the zoning designation of one or more parcels of real property, applications for variances, and conditional use requests shall be

advertised in accordance with (A) and (B) of this subsection below and shall be required to meet the following public hearing notice requirements:

(A) Notice of public hearings before the Planning Commission and notice of public hearings before the Lee County Board of Commissioners shall be prepared and sent for publication by County Planning and Zoning Department staff.

(B) All applications pertaining to zoning decisions as defined in O.C.G.A. § 36-66-3(4), variance applications, and conditional use applications shall require a public hearing preceded by publication of a public hearing notice within the legal organ of Lee County at least fifteen (15) but not more than forty-five (45) days prior to the date of the public hearing. All such notices shall include the application number, date, time, location, and purpose of the public hearing. In addition, the following additional notice requirements shall be complied with:

- (1) For Rezoning: existing and proposed rezoning classifications;
- (2) For Conditional use permits: proposed use and existing zoning district; and
- (3) Variances: proposed Code revisions request to be modified. Each Article of this Chapter requested to be varied shall be separately identified.

(b) Where any proposed action includes any combination of zoning decisions defined under subsection (3), subsection (4), or subsection (5) included in the definition of "zoning decisions" in Section 70-6 of this Code for the same property, only one hearing shall be required under this Code Section with respect to such proposed action.

(c) Public hearing signs related to zoning decisions as defined in O.C.G.A. §36-66-3(4), and public hearings related to variance applications and conditional use permits shall comply with the following procedures:

(1) Public hearing signs shall be placed in a conspicuous location on the subject property at least twenty-one (21), but not more than forty-five (45) days prior to the date of the scheduled hearing. The required sign shall state the time, place, and purpose of the public hearing.

(2) Where the land owned by the applicant does not border upon a public road in order that passers-by may see the sign which provides the public notice, the required notice shall be placed on the right of way of a public road nearest the property as well as upon the subject property.

(3) Acts of vandalism or natural occurrences which may diminish the effectiveness of the public notice provided shall not void any proceedings or actions taken by any of the boards required to hold public hearings under this section.

(4) Once the Board of Commissioners has made a final decision upon any application requiring the public hearing, the County shall be responsible for the removal of all public hearing signs.

(d) At least thirty (30) days prior to the required public hearing on a zoning application, a variances application, and a conditional use application, the department head of the Planning and Zoning Department shall cause a notice of the date, time, and location of the hearing to be mailed to the owner whose property or interest is the subject of such hearing as applicable.

(e) When a proposed zoning decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, public hearings shall be held on the proposed action. Such public hearing shall be held at least six (6) months and not more than nine (9) months prior to the date of the final action on the zoning decision. The hearing required by this subsection shall be in addition to any hearing required under subsection (a) of this section. The local government shall give notice of such hearing by:

(1) Posting notice on the affected premises in a manner prescribed in this section; and

(2) Published in the local legal organ a notice of the hearing at least fifteen (15) days and not more than forty-five (45) days prior to the date of the hearing.

Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency. The published notice shall be at least 6 column inches in size and shall not be located in a classified advertising section of a newspaper.

(f) (1) Notwithstanding any other provisions of this chapter to the contrary, when a proposed zoning decision relates to an amendment of the zoning ordinance to revise one or more zoning classifications or definitions relating to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning, such zoning decision must be adopted in the following manner:

(A) The zoning decision shall be adopted at two regular meetings of the local government making the zoning decision, during a period of not less than 21 days apart; and

(B) Prior to the first meeting provided for in subparagraph (A) of this paragraph, at least two (2) public hearings shall be held on the proposed action. Such public hearings shall be held at least three (3) months and not more than nine (9) months prior to the

date of final action on the zoning decision. Furthermore, at least one of the public hearings must be held between the hours of 5:00 p.m. and 8:00 p.m. The hearings required by this paragraph shall be in addition to any hearing required under subsection (a) of this Code section. The local government shall give notice of such hearing by:

(i) Posting notice on each affected premises in the manner prescribed by subsection (b) of this Code section; provided, however, that when more than 500 parcels are affected, in which case posting notice is required every 500 feet in the affected area; and

(ii) Publishing in the local legal organ a notice of each hearing at least fifteen (15) days and not more than forty-five (45) days prior to the date of the hearing.

Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will authorize multifamily uses or give blanket permission to the property owner to deviate from the zoning requirements of a single-family residential zoning of property in classification previously relating to single-family residential uses. The published notice shall be at least nine (9) column inches in size and shall not be located in the classified advertising section of the newspaper. The notice shall state that a copy of the proposed amendment is on file in the office of the Lee County Clerk and in the office of the Clerk of the Superior Court of Lee County for the purpose of examination and inspection by the public. The local government shall furnish anyone, upon written request, a copy of the proposed amendment, at no cost.

(2) The provisions of paragraph (1) of this subsection shall also apply to any zoning decisions that provide for the abolition of all single-family residential zoning classifications within the territorial boundaries of a local government or zoning decisions that result in the rezoning of all property zoned for single-family residential uses within the territorial boundaries of a local government to multifamily residential uses of property.

(3) The provisions of this subsection (f) shall not apply to zoning decisions for the rezoning of property from a single-family residential use of property to a multifamily residential use of property when the zoning is initiated by the owner or authorized agent of the owner of such property.

(Ord. of 12-2-2002, § 70-688)

Sec. 70-691. – Appeals.

(a) Appeals of zoning decisions as defined in this chapter shall be considered legislative in nature, and shall be subject to direct constitutional challenge regarding the validity of maintaining the existing zoning on a subject property or the validity of conditions or an interim zoning category other than what was requested in the Superior Court of Lee County pursuant to said Court's original jurisdiction over declaratory judgments pursuant to Chapter 4 of Title 9 of the Code of Georgia and equity jurisdiction under Title 23 of the Georgia



Code. Such challenges shall be by way of de novo review in the Superior Court wherein such review brings up the whole record from the local government and all competent evidence shall be admissible at the trial thereon, whether adduced in a local government hearing or not and employing the presumption that a governmental zoning decision is valid and can be overcome substantively by an appellate showing by clear and convincing evidence that the zoning classification is significant detriment to the Petitioner and is insubstantially related to the public health, safety, morality or general welfare.

(b) Zoning decisions under O.C.G.A. §36-66-3(4)(E), and decisions by the Board of Commissioners of Lee County granting or denying stand-alone applications for variances and applications for conditional use permits shall be subject to appellate review by the Superior Court of Lee County pursuant to its appellate jurisdiction from lower judicatory bodies and shall be brought by way of petition for such review as provided for in Title 5 of the Georgia Code. Such matters shall be reviewed on the record which shall be brought to the Superior Court as provided in Title 5.

(c) All such challenges or appeals shall be brought within thirty (30) days of the written decision of the Lee County Board of Commissioners regarding the challenged or appealed action.

(d) (1) The chairperson of the Lee County Board of Commissioners shall have authority, without additional approval by the Board of Commissioners, to approve or issue any form or certificate necessary to perfect the petition described in Title 5 of the Georgia Code for review of lower judicatory bodies and upon whom service of such petition may be effected or accepted on behalf of Lee County Board of Commissioners, during normal business hours, at the regular office of the Lee County government.

(2) The chairperson of the Lee County Board of Commissioners, or his or her designee, shall have the authority to accept service and is the person upon whom service of an appeal may be effected or accepted on behalf of the Lee County Board of Commissioners, during normal business hours, at the regular offices of the local government.

(e) An appeal or challenge filed by an opponent pursuant to this section shall stay all legal proceedings in furtherance of the action appealed from or challenged unless the Board of Commissioners of Lee County certifies that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In such actions, the applicant for the zoning decision shall be necessary party and shall be named as a defendant in the action and served in accordance with the requirements of Title 5 or Title 9 of the Georgia Code, as appropriate.

(f) In accord with the provisions of the Lee County Zoning Code of Ordinances, all final zoning decisions, decisions regarding variance applications, and decisions regarding conditional use permits shall be finally rendered by the Lee County Board of Commissioners and there are no quasi-judicial officers, boards, or agencies appointed by the Lee County Board

of Commissioners to exercise delegated quasi-judicial zoning powers as such powers are defined in O.C.G.A. §36-66-3(1.1).

Sec. 70-692. – Applicability of Chapter.

Notwithstanding any other provision of this Chapter, it is the intent of the Lee County Board of Commissioners, in adopting this ordinance, to comply in all respects with the provisions of the Zoning Procedures Law established pursuant to O.C.G.A. §36-66-1 through O.C.G.A. §36-66-6 where such provisions are otherwise applicable to applications and petitions filed under Chapter 70 of the Lee County Code of Ordinances. In the event that there are conflicts between the provisions of Chapter 70 of the Lee County Zoning Code of Ordinances and the Zoning Procedures Law at O.C.G.A. §36-66-1 through O.C.G.A. §36-66-66, then the provisions of the Zoning Procedures Law shall control.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that this ordinance shall be effective as of July 1, 2023 and shall be applicable to all applications filed under this Chapter on or after such date.

SO ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**Board of Commissioners  
of Lee County, Georgia**

By: \_\_\_\_\_  
Billy Mathis, Chairman

Attest: \_\_\_\_\_  
Kaitlyn Good, County Clerk

ACTION TAKEN

FIRST READING: \_\_\_\_\_

SECOND READING: \_\_\_\_\_

DATE OF ADOPTION: \_\_\_\_\_

STATE OF GEORGIA

COUNTY OF LEE

**AN ORDINANCE TO AMEND SECTION 70-6 OF THE CODE OF ORDINANCES OF LEE COUNTY RELATING TO DEFINITIONS UNDER THE LEE COUNTY ZONING CODE SO AS TO REVISE THE DEFINITION OF "HOME OCCUPATION RESIDENTIAL"; TO PROVIDE FOR HOME OCCUPATIONS TO BE CONSIDERED AS INCLUDING ARTICLES PRODUCED OR SERVICES OFFERED WHICH ARE SOLD OR OFFERED FOR SALE AT OR FROM THE HOME OCCUPATION PREMISES; TO DELETE THE LIMITATION ON PERSONS WHO MAY BE EMPLOYED BY HOME OCCUPATIONS AT THE LOCATION OF THE HOME OCCUPATION; TO PROVIDE FOR THE PARKING OF MOTOR VEHICLES OF CUSTOMERS AT THE LOCATION OF THE HOME OCCUPATION DURING THE TIME THAT THE HOME OCCUPATION IS CONDUCTING BUSINESS; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

---

For the purposes of these zoning regulations certain words and tenses, used herein, shall be interpreted or defined as follows:

Words used in the present tense include the future tense.

The singular number includes the plural and the plural, the singular.

The word "person" includes a corporation, partnership, or association as well as an individual.

The term "shall" is always mandatory and not merely directory.

Terms not herein defined shall have the meanings customarily assigned to them.

The term "governing body" shall mean the Board of Commissioners of Lee County, Georgia.

*Accessory building:* A detached, subordinate structure, the use of which is clearly incidental to, customarily associated with and related to the principal structure or use of land, and which is located on the same lot as the principal structure or use. Accessory buildings shall include storage buildings, tool houses, party houses, bathhouses (used in conjunction with swimming pools) and similar uses.

*Accessory use:* The use customarily incidental and accessory to the principal use of a building located upon the same building site as the principal use.

*Agriculture:* Agriculture shall be considered to mean the raising of soil crops and/or livestock in a customary manner on tracts of land 25 acres or more in size and shall include all associated activities. Retail selling of products raised on the premises shall be considered a permissible activity provided that space necessary for the parking of customer's vehicles shall be provided off the public right-of-way.

*Airfield:* Any area of land or water utilized for the landing or taking off of aircraft.

*Alley:* Any dedicated public way providing a secondary means of ingress to or egress from land or structure thereon.

*Alteration:* Any change, addition or modification in construction or type of occupancy; any change in the structural members of the building, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed."

*Ambulatory:* In respect to a person, the ability to move from place to place by walking, either unaided or aided by prosthesis, brace, cane, crutches or hand rails, or by propelling a wheelchair; and can perceive an emergency condition, whether caused by fire or otherwise and escape without human assistance, using the normal means of egress.

*Apartment:* A room or suite of rooms used as dwelling for one family which does its cooking therein.

*Apartment houses:* A residential structure containing three or more apartment units.

*Artificial lot:* The area of a one-acre or larger tract to be built on that is delineated for the purposes of calculating landscape requirements. This is only for calculating landscape requirements and only for tracts that are one acre or larger.

*Assisted living communities:* Provide assisted living care to adults who require varying degrees of assistance with the activities of daily living, but who do not require continuous medical or nursing care.

*Automobile wrecking yard, automobile used parts or auto graveyard:* Anywhere three or more vehicles not in running condition, or the parts thereof, are stored in the open or any building or structure used principally for wrecking or storage of automobiles not in running condition for automobile parts.

*Basement:* A portion of a building partly below grade and having less than five feet above the finished grade level of the building.

*Block:* A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, drainage ways, or boundary lines of municipalities or counties.

*Boarding house:* A residence or part thereof where meals and/or lodging are provided for compensation for three or more persons by pre-arrangement for definite periods. A boarding house is to be distinguished from a hotel, motel, or a nursing home.

*Buffer:* That portion of a given lot, not covered by buildings, pavement, parking, access and service areas, established as landscaped open space for the purposes of screening and separating properties with incompatible land uses, the width of which is measured from the common property line and extends the developed portion of the common property line. A buffer consists of trees, shrubs, and other natural vegetation undisturbed by grading or site development and replanted where sparsely vegetated or where disturbed for approved access and utility crossings.

*Buildable area:* The buildable area of a lot is the space remaining after the minimum open space requirements of these regulations have been complied with.

*Building:* Any structure having a roof, supported by columns or by walls and intended for shelter, housing or enclosure of any person, animal or goods. Where roofed structures are separated from each other by party walls having no opening passage, each portion so separated shall be considered a separate building.

*Building inspector:* The highest ranking building official of the governing body, or his representative.

*Building height:* The vertical distance of a building measured from the average elevation of the finished grade to the highest point on the roof surface.

*Building, principal:* A building in which the principal use of the lot on which it is located is conducted.

*Building setbacks:* The distance any part of any structure must be from any front, rear, or side property line. Building setbacks are established in this chapter.

*Caretaker or employee residence:* An accessory residence located inside or in addition to the principal structure or use of a parcel of land. Said residence must be occupied by a bona fide caretaker or the owner himself as necessary to the property's orderly operation or safety.

*Child care institution (CCI):* Any child-welfare aid facility which either primarily or incidentally provides full-time room, board, and watchful oversight to six or more children through 18 years of age outside of their own homes, as licensed or commissioned by the Georgia Department of Human Services, Office of Residential Child Care (ORCC). This may include, at the discretion of the planning director, child caring facilities also regulated by ORCC for individuals up to 21 years of age, including outdoor child caring programs (OCCP), children transition care centers (CCTC), maternity homes, and runaway and homeless youth program (RHP).

*Clerk:* The clerk of the governing body.

*Clinic:* A professional office where the services of more than one practitioner can be obtained and where patients are studied or treated on an outpatient basis and where no overnight accommodations are provided.

*Club:* An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like, but not for profit.

*Community living arrangement (CLA):* Any residence, whether operated for profit or not, that undertakes through its ownership or management to provide or arrange for the provision of daily personal services, support, care, or treatment exclusively for two or more adults who are not related to the owner or administrator by blood or marriage and whose residential services are financially supported, in whole or in part, by funds designated by the department of behavioral health and developmental disabilities (DBHDD).

*Community residence:* A dwelling unit occupied to two or more typically unrelated persons as their normal place of residence, but in which separate cooking facilities are not provided for such resident persons. The term "community residence" includes, but is not limited to, a rooming house, boarding house, community living arrangement, and personal care home. A retirement community, assisted living facility, nursing home, hotel or motel, or bed and breakfast inn shall not be deemed to be a group (community) residence. (See chapter 70—Zoning, article III, section 70-99 for community residence requirements.)

*Conditional use:* A use which within certain districts specified by this chapter is not permitted as a matter of right but may be permitted within these districts by the county commission after the planning commission has:

(1) Reviewed the proposed site plans for the use, its arrangement and design, its relationship to neighboring property and other conditions peculiar to the particular proposal which would determine its desirability or undesirability; and

(2) Has found the proposal not to be contrary to the intent of this chapter. All conditional use applications will follow the same public notice, public hearing and review process as any application for rezoning.

*Convalescent home:* A convalescent home is a home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, wherein two or more persons are cared for. Said home shall conform and qualify for licensure under state law. A retirement community facility or an assisted living facility or a nursing home is not a convalescent home.

*Cremation:* The reduction of a dead human body to residue by intense heat.

*Crematorium:* A location containing properly installed, certified apparatus intended for use in the act of cremation. Crematoriums do not include establishments where incinerators are used to dispose of toxic or hazardous materials, infectious materials or narcotics.

*Curb cut:* An alteration to an existing curb and gutter for the construction of a driveway to provide for ingress/egress between property and an abutting public street.

*Day care facility:* A day care facility is an individual or jointly owned facility designated to offer care and/or training to children unrelated to the owner or director for any part of a day on a regular basis. Such facility may or may not be operated for profit. Day care is not a baby-sitting service to be used for the convenience of the parents at irregular intervals (drop-ins).

(1) A *group center (day nursery, day care center)* is defined as a facility for six or more children, regardless of age, whose primary purpose is the care of the child for part of a day, while his parent or parents are absent from home.

(2) A *nursery school* is defined as a school for two-, three-, and four-year old children which operates for periods not to exceed four hours a day and whose primary purpose is education and guidance for healthy emotional and social development of children.

(3) *Kindergarten* is defined as a school for four- or five-year old children which operates for periods not to exceed four hours a day and whose primary purpose is education and guidance for healthy emotional and social development.

(4) *Family day care* is defined as a service in a private home, offering care in a family setting to a maximum of five children, including the foster family's own children during part of the day while the natural parents are absent from their home.

(5) *Adult day care* is defined as personal care and supervision in a protective setting for adults outside their own home for less than 24 hours per day. The program may include the provisions of daily medical supervision, nursing and other health care support, psycho-social assistance, or appropriate socialization stimuli or a combination of these. Adult day care is available for those persons who do not require 24 hour per day institutional care, but who, because of physical and/or mental disability, are not capable of full time independent living.

*Density:* The number of dwelling units developed on an acre of land. As used in this chapter, all densities are stated in dwelling units per gross acre.

*District:* A portion of the jurisdiction of the governing body within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas and other requirements are established.

*Drive-in establishment:* A business establishment, other than a drive-in restaurant, so developed that its retail or service character is dependent on providing a driveway approach or

parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, and may include drive-in banks, drive-in cleaners, and drive-in laundries.

*Drive-in restaurant:* A restaurant or other establishment serving food and/or drink so developed that its retail or services character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle.

*Dwelling, single-family:* A building used or designed for use as a residence for a single-family.

*Dwelling, two-family (duplex):* A duplex is a building either designed, constructed, altered or used for two adjoining dwelling units that are connected by a common wall and/or if two stories by a common floor.

*Dwelling, multiple:* A building or portion thereof used or designed as a residence for three or more families living and cooking independent of each other in said building. This definition includes three family houses, four-family houses and apartment houses, but does not include hotels, motels, trailer camps or mobile home parks.

*Efficiency unit:* An efficiency unit is a dwelling unit consisting of one room, exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room, providing not less than 400 square feet of floor area.

*Erected:* Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of the erection.

*Essential services:* The erection, construction, alteration, or maintenance by public utilities, governmental departments or commissions, of underground, surface, or overhead; gas, communication, electrical, steam, fuel or water transmission or distribution systems, sewers, pipes, conduits, cable, fire alarm and police call boxes, traffic signals, hydrant and similar accessories in connection therewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or governmental departments for the general public health, safety, convenience or welfare.

*Event:* An event consists of a celebration, reception, party, concert, holiday gathering, family gathering, corporate function, general gathering, birthday party, retirement event, employee appreciation event, wedding, wedding reception, anniversary celebration, funeral, and other similar parties, receptions and events. An event center does not include retail sales, amphitheatres, rodeos, circuses, or similar public events. An event center may host either public or private events. An event center shall be open only for scheduled event-based operations.

*Event center:* A commercial building or facility where events are permitted to occur under this article. Any such center shall be a permanent structure (not a temporary structure) which meets all local and state-wide building codes applicable to the type of commercial building to be used



as an event center. An event center, building or facility, or the portion of a building or facility utilized as an event center, shall consist of not more than 10,000 square feet. No residential structure shall be considered to be an event center. Event centers may utilize indoor and outdoor spaces, provided that any outdoor activities hosted at event centers adjacent to residentially zoned property shall be limited to the hours of 10:00 a.m. to 10:00 p.m. Monday through Saturday and Sundays from 12:00 noon to 10:00 p.m. All event facilities shall be located on a collector or arterial street. Any on-site kitchen or catering facility shall comply with all applicable local and state regulations, including, but not limited to, the rules and regulations of the environmental health department, the Georgia Department of Agriculture, and compliance with chapter 6—Alcoholic Beverages in its entirety; particularly including section 6-37, Alcoholic beverage caterers.

*Family:* No more than six unrelated persons or one or more related persons occupying a housing unit and using common kitchen facilities and entrances, as distinguished from a group occupying a boarding house, or personal care home.

*Fast food restaurant:* A fast food restaurant is defined to be a restaurant that has all of the following characteristics.

- (1) Its principal business is the sale of food items and beverages of the kind, which can readily be taken out of the restaurant for consumption off the premises.
- (2) Utensils, if used at all, are made of plastic or other disposable materials. Food is packaged in paper or styrofoam or other disposable containers.
- (3) Service is not customarily provided to customers at their tables by employees of the restaurant.

*Farm:* A platted or unplatted parcel of land 25 acres or more in an area which is used for growing crops, raising livestock or other agricultural purposes.

*Farm stand:* A booth or stall located on a farm from which produce and farm products are sold to the general public.

*Filling:* Shall mean the depositing or dumping of any matter on or into the ground, except deposits resulting from common household gardening and general farm care.

*Flea market:* An outdoor and/or indoor facility established for the purpose of selling at retail such new or used items as household goods, tools, crafts or any other combination of new or used goods. These markets, sales and displays are those that occur continuously or frequently, and specifically more than two times per year, normally at a fixed location where a proprietor, partnership, or corporation leases to vendors a booth, commercial stall or designated area from which the vendor markets his/her goods.

*Flood plain:* A nearly level alluvial plain that borders a stream and is subject to flooding unless protected artificially.

*Foster child:* A child unrelated to a family by blood or adoption with whom he or she lives for the purposes of care and education.

*Garage, private:* An accessory building designed or used for the storage of motor driven vehicles owned and used by the occupants of the building to which it is an accessory.

*Garage, public:* Any premises used for the storage or care of motor vehicles or place where any such vehicles are equipped for operation, repaired or kept for pay, hire or sale.

*Garden, private:* A non-commercial private garden which is an accessory use to the primary use of the zoning district. The primary use must be present at the same location as the garden in any zoning district with the exception of agricultural zoning districts.

*Ground mounted solar energy system* means an SES facility that is structurally mounted to the ground and does not qualify as an integrated SES. For purposes of the Lee County zoning code, any solar canopy that does not qualify as an integrated SES shall be considered a ground mounted SES, regardless of where it is mounted.

The *footprint* of a ground mounted SES facility is calculated by drawing a perimeter around the outermost SES panels and any equipment necessary for the functioning of the SES facility, such as transformers and inverters. The footprint does not include any visual buffer or perimeter fencing. Transmission lines (or portions thereof) required to connect the SES facility to a utility or consumer outside the SES perimeter shall not be included in calculating the footprint.

Ground mounted SESs shall be delineated by size as follows:

*Small scale ground mounted solar energy system (small scale SES)* means a ground mounted SES where the solar facility totals five acres or less.

*Intermediate scale ground mounted solar energy system (intermediate scale SES)* means a ground mounted SES where the solar facility totals not less than more than five acres, but less than 50 acres.

*Large scale ground mounted solar energy system (large scale SES)* means a ground mounted SES where the solar facility totals more than 50 acres.

*Group home:* A group home is a residential home use of a property for the care of individuals in the home environment who have mental and/or developmental disabilities, or individuals will benefit socially from living in a group environment. All group homes must be licensed by the appropriate state agency and must have a conditional use permit granted by the Board of Lee Commissioners prior to opening.

*Guest house:* A building or portion thereof used or designed for use as a residence, specifically as an accessory use to the principal building. Occupation of guesthouses shall be temporary [30 continuous days at a maximum].

*Halfway house:* A group home facility which is licensed or supervised by any federal, state, or county correctional facility to be used for health/welfare rehabilitation or similar purposes.

*Home occupation:* Any use conducted entirely within the dwelling and carried on by the inhabitants thereof, which use is incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Provided further, that no article or service is sold or offered for sale on the premises, except such as is produced, sold, or provided to customers in connection with such occupation; that such occupation shall not require internal or external alterations or construction, open storage or signs not customary in residential areas. One non-illuminated name plate, which is not more than two square feet in area, may be attached to the building which shall contain only the name and occupation of the resident of the premises. Clinics, hospitals, childcare centers, and day nurseries, among others, shall not be deemed to be home occupations.

*Home occupation, residential:*

(1) The home occupation use shall only be allowed in residential zoning districts which allow home occupations.

(2) The dwelling unit must maintain a residential appearance and there shall be no outward evidence of the occupation or impacts in appearance, noise, light, odor, traffic and utilities that would be detectable beyond the dwelling unit.

(3) The use shall be conducted entirely within the dwelling unit and accessory structures with not more than 25 percent of a property's gross floor area devoted to the home occupation.

(4) No more than one home occupation shall be authorized for any residential dwelling unit.

(5) No business materials or equipment shall be stored at the premises of the home occupation unless such material or equipment is stored in an area within the residence. No business vehicles used in the home occupation shall be stored on the premises where the home occupation is undertaken.

(6) The following businesses, uses, and activities shall be prohibited as home occupation uses: adult entertainment establishments; kennels; stables; veterinarian clinics; medical and dental clinics; restaurants, clubs, and drinking establishments; motor vehicle

repair or small engine repair; funeral parlors; adult businesses; limousine service; taxi service; and wrecker service.

(7) Motor vehicles of customers of the person conducting the home occupation may be parked at the premises of the home occupation during business hours while the customer is conducting business with the person operating the home occupation. No provision of this subsection shall be construed to authorize a violation of either restrictive covenants applicable to the premises where the home occupation is being conducted or to amend any provision of the County's Code of Ordinances with respect to the types of motor vehicles which may be parked in a residential subdivision.

(8) Non-conforming home occupation uses: Non-conforming uses permitted as of October 1, 2005, shall be allowed to continue to operate under the following conditions:

- a. No non-conforming use may be changed to another non-conforming use.
- b. No non-conforming use shall be increased, extended or enlarged beyond the size or scope of the use as it existed on the date of issuance of the current occupation tax certificate.
- c. The non-conforming use is specially designated to the current property and business owner. (The home occupational use is not transferable.)
- d. Violation of these conditions will result in an immediate and permanent revocation of the right to continue the non-conforming use.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that this ordinance shall become effective upon the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

SO ORDAINED effective the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**Board of Commissioners  
of Lee County, Georgia**

By: \_\_\_\_\_  
Billy Mathis, Chairman

Attest: \_\_\_\_\_  
Kaitlyn Good, County Clerk

ACTION TAKEN

FIRST READING:

---

SECOND READING:

---

DATE OF ADOPTION:

---

STATE OF GEORGIA

COUNTY OF LEE

**AN ORDINANCE TO AMEND CHAPTER 70, ARTICLE III, SECTION 70-94 OF THE CODE OF ORDINANCES OF LEE COUNTY RELATING TO GREENSPACE, SO AS TO ESTABLISH THE PROCESS TO DETERMINE UNBUILDABLE LAND AND UNDEVELOPABLE LAND; TO PROVIDE THE APPLICABLE PROCESS TO DETERMINE THE AMOUNT OF BUILDABLE LAND FOR PURPOSES OF DETERMINING THE TOTAL AMOUNT OF ACREAGE TO BE SET ASIDE AS GREENSPACE; TO PROVIDE THE PERCENTAGE OF THE REMAINING DEVELOPABLE LAND TO BE SERVED AS GREENSPACE WHERE THE SUBDIVISION IS TO HAVE COUNTY-PROVIDED WATER AND SEWER SYSTEMS, WHERE THE SUBDIVISION IS TO HAVE WELLS AND SEPTIC TANKS, AND WHERE THE SUBDIVISION IS TO HAVE COUNTY-PROVIDED WATER AND SEPTIC TANKS; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES**

---

BE IT ORDAINED that Chapter 70, Article III, Section 70-94 is hereby amended as provided below:

(a) In order to protect open greenspace and to reduce the cost of development of certain residential subdivisions, this chapter proposes to establish density neutral development requirements by establishing the total number of units (lots) a specified amount of developable land will yield. The total yield must not include (unbuildable or undevelopable land) within the proposed area of the subdivision. In order to do this, where the property is to be developed as a major subdivision as defined in this Code of Ordinances, the following process shall be followed:

(1) Determine all unbuildable land within the area of the proposed subdivision. For purposes of this Section, unbuildable land shall include steep slopes, storm water retention areas, ponds, lakes, and land that will not perk. The remaining land within the proposed major subdivision shall be deemed to be developable land.

(2) Then, out of the remaining developable land, the number of dwelling units desired shall be determined, provided that the maximum density allowed by this chapter shall not be exceeded.

(3) Once the total amount of developable land has been determined, then the amount of greenspace, as defined in Section 38-287, in such major subdivision shall be determined. In making such determination, the developable land shall be calculated by subtracting the road and street right of way and storm water management ponds ~~and greenspace~~ in the subdivision. After such subtraction, the remaining developable land shall be subject to

the following: (i) if there is to be a County-provided water system or a County-provided sewer system for the lots in the subdivision, a minimum of twenty-five percent (25%) of the remaining developable land shall be preserved as greenspace; (ii) if there are to be wells and septic tanks for the lots in the subdivision, then a minimum of ten percent (10%) of the remaining developable land shall be preserved as greenspace; and (iii) if there are to be water system and septic tanks for the lots in the subdivision, then a minimum of ten percent (10%) of the remaining developable land shall be preserved as greenspace. Greenspace areas shall be preserved as a common area for the residents of the subdivision.

Unless the conservation area is conveyed to and accepted by the county, a legal entity such as a homeowner's association or a trust for maintenance and care must be established and evidence thereof provided to the county and filed with the subdivision filings. Such homeowner's association or trust must have perpetual existence and be responsible for the continued preservation of the preserved land. Whenever an adjacent development has already preserved greenspace, all greenspace areas must be connected among the different developments in order to provide a connected greenspace "belt".

(4) Once potential greenspace areas are determined as provided in subsection (3) above, the next step is to locate potential home sites on the remaining developable land.

(5) Once potential home sites are located on the remaining developable land, streets should be aligned with the houses and trails, separate from public roads, may also be used to connect the home sites to allow neighborhood connectivity.

(6) The final step is to draw in lot lines. These cannot include unbuildable lands noted in subsection (1) or land delineated as greenspace conservation areas per subsection (3).

(b) The requirements of subparagraph (a) of this section shall not be applicable in R-1L, R-3L, or when the governing body has required a minimum building lot size greater than allowed for the zoning density.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that this ordinance shall become effective upon the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

SO ORDAINED effective the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**Board of Commissioners  
of Lee County, Georgia**

By: \_\_\_\_\_  
Billy Mathis, Chairman

Attest: \_\_\_\_\_  
Kaitlyn Good, County Clerk

ACTION TAKEN

FIRST READING: \_\_\_\_\_

SECOND READING: \_\_\_\_\_

DATE OF ADOPTION: \_\_\_\_\_





# LEE COUNTY, GA GOVERNMENT

**SUBJECT:** Package Store License

**DATE SUBMITTED:** 7/5/23

**DIVISION:**

**AUTHORIZED BY:** Joey Davenport

**AGENDA DATE REQUESTED:** 7/11/23

**TYPE:**

**CONTACT PERSON:** Carol Lee

**DEPARTMENT:** Inspection/Licensing

- Regular  
 Consent

## **MOTION/RECOMMENDATION:**

Staff requests the Board of Commissioners consider an application for a Package Store proposed to be located at 1302 & 1304 US Hwy 82.

## **BACKGROUND:**

All requirements have been met by the applicant.

## **ATTACHMENTS:**

1. Memo
2. Planner's Report

<p><b><u>REVIEWED BY (INITIALS):</u></b> Legal: Finance: Other:</p> <p><b><u>USER DEPT.:</u></b></p> <p><b><u>SUBMITTED BY:</u></b></p> <p>_____ County Manager</p>	<p><b><u>ADVERTISED:</u></b> Date:6/28/23 Paper: Lee County Ledger <input type="checkbox"/> Not Required</p> <p><b><u>COSTS:</u></b></p> <p><b><u>CURRENT FY:</u></b></p> <p><b><u>APPROPRIATION CODE:</u></b></p> <p><b><u>AFFECTED PARTIES:</u></b> <input type="checkbox"/> Notified <input type="checkbox"/> N/R</p>	<p><b><u>COMMISSION ACTION:</u></b> <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied <input type="checkbox"/> Continued to:</p> <p><b><u>FUNDING SOURCE:</u></b> <input type="checkbox"/> Capital Improvement <input type="checkbox"/> Operating <input type="checkbox"/> Other</p>
---	--	---



LEE COUNTY

Life works well here

**BOARD OF COUNTY COMMISSIONERS**

T. PAGE THARP GOVERNMENTAL BUILDING  
102 STARKSVILLE AVENUE NORTH, LEESBURG, GEORGIA 31763

**LEE COUNTY BUILDING INSPECTION  
BUILDING INSPECTION  
BUILDING PERMITS  
BUSINESS LICENSE  
ALCOHOL LICENSE**

Joey Davenport  
*Chief Building Official*

\_\_\_\_\_

Carol Lee  
*Administrative Assistant*

\_\_\_\_\_

Martha Roberts  
*Permit Technician*

\_\_\_\_\_

Lee County, Georgia  
102 Starksville Ave. N.  
Leesburg, GA 31763  
(229) 759-6000  
Fax: (229) 759-2346  
Web: [www.lee.ga.us](http://www.lee.ga.us)  
buildinginspections@  
lee.ga.us

\_\_\_\_\_

*One of the first  
original counties of  
Georgia*

*Established  
June 9, 1825*

***Lee County Alcohol License Memorandum***

**Date:** 7/5/23  
**To:** Lee County Board of Commissioners  
**From:** Carol Lee  
License Administrator  
**RE:** Package Store Application

Mr. Milan Patel is requesting that the Lee County Board of Commissioners grant him an Alcohol License for retail sale of off-premise consumption of liquor, wine and beer. This will be a Package Store named Oakland Package proposed to be located on properties currently shown as 1302 & 1304 US Hwy 82. (This is proposed new construction and if approved, these lots are proposed to be combined to accommodate the size of this new package store.)

**CONSIDERATIONS FOR APPROVAL OR DENIAL**

- 1. **The existence or non-existence of verifiable information regarding the applicant’s work history, status, experience, and reputation.**

The Business License Department is unaware of any negative information relating to the applicant’s work history, status, etc. There is no record of any information on these subjects that would require staff to recommend against the granting of the application for this license.

- 2. **The history of the applicant, if any, in engaging in fraudulent or criminal activities.**

See summary by request.



## BOARD OF COUNTY COMMISSIONERS

T. PAGE THARP GOVERNMENTAL BUILDING  
102 STARKSVILLE AVENUE NORTH, LEESBURG, GEORGIA 31763

### **LEE COUNTY BUILDING INSPECTION BUILDING INSPECTION BUILDING PERMITS BUSINESS LICENSE ALCOHOL LICENSE**

**Joey Davenport**  
*Chief Building Official*

---

**Carol Lee**  
*Administrative Assistant*

---

**Martha Roberts**  
*Permit Technician*

---

Lee County, Georgia  
102 Starksville Ave. N.  
Leesburg, GA 31763  
(229) 759-6000  
Fax: (229) 759-2346  
Web: [www.lee.ga.us](http://www.lee.ga.us)  
[buildinginspections@lee.ga.us](mailto:buildinginspections@lee.ga.us)

---

*One of the first  
original counties of  
Georgia*

*Established  
June 9, 1825*

**3. Compliance with application requirements.**

The applicant has completed all application requirements.

**4. Adequate and satisfactory reference response.**

Reference response was adequate and satisfactory.

**5. Proximity of the proposed business to densely populated residential districts.**

(See Planner's Report)

**6. Compliance with zoning regulations.**

(See Planner's Report)

**7. Safety of the premises from which the business will operate.**

(See Planner's Report)

**8. Compliance with state and local laws, regulations and ordinances.**

All requirements relating to the application have been met.

### **STAFF RECOMMENDATION:**

**Staff requests the Board of Commissioners consider the Alcohol Application for Oakland Package.**



Overview

**Legend**

-  Parcels
-  Roads

Parcel ID 029B 004  
 Class Code Commercial  
 Taxing District COUNTY UNINCORPORATED  
 Acres 1.19

Owner JOINER R L JR ETAL  
 4043 CAMBERLEY ST  
 FRANKLIN, TN 37064  
 Physical Address US 82  
 Assessed Value \$238000

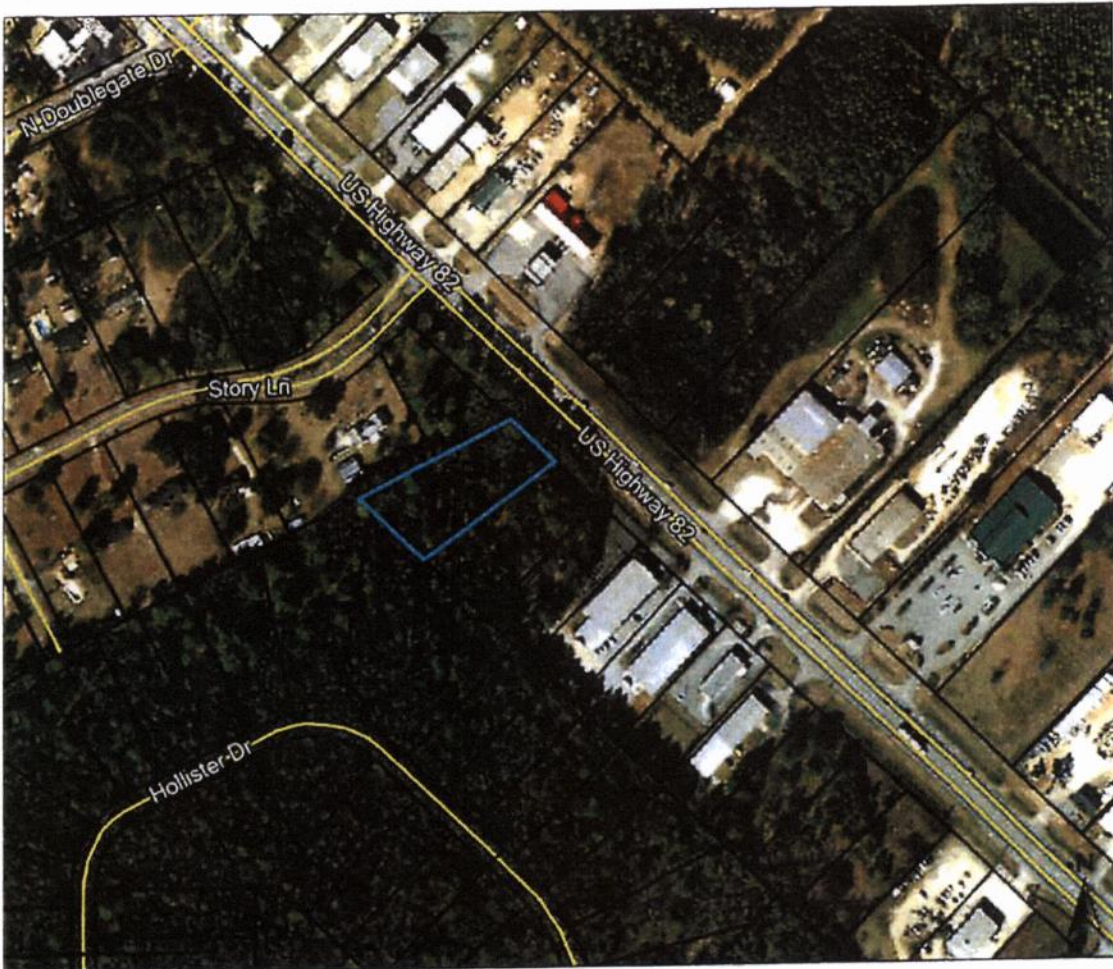
Last 2 Sales			
Date	Price	Reason	Qual
7/16/1996	0	GF	U
n/a	0	n/a	n/a

(Note: Not to be used on legal documents)

Date created: 5/16/2023  
 Last Data Uploaded: 5/15/2023 8:07:12 PM

Developed by  Schneider  
 GEOSPATIAL

Lot 15  
 plat book 255  
 Page 049



Overview

**Legend**

-  Parcels
-  Roads

Parcel ID 029B 003  
 Class Code Commercial  
 Taxing District COUNTY UNINCORPORATED  
 Acres 1.19

Owner JOINER R L JR ETAL  
 4043 CAMBERLEY ST  
 FRANKLIN, TN 37064  
 Physical Address US 82  
 Assessed Value \$238000

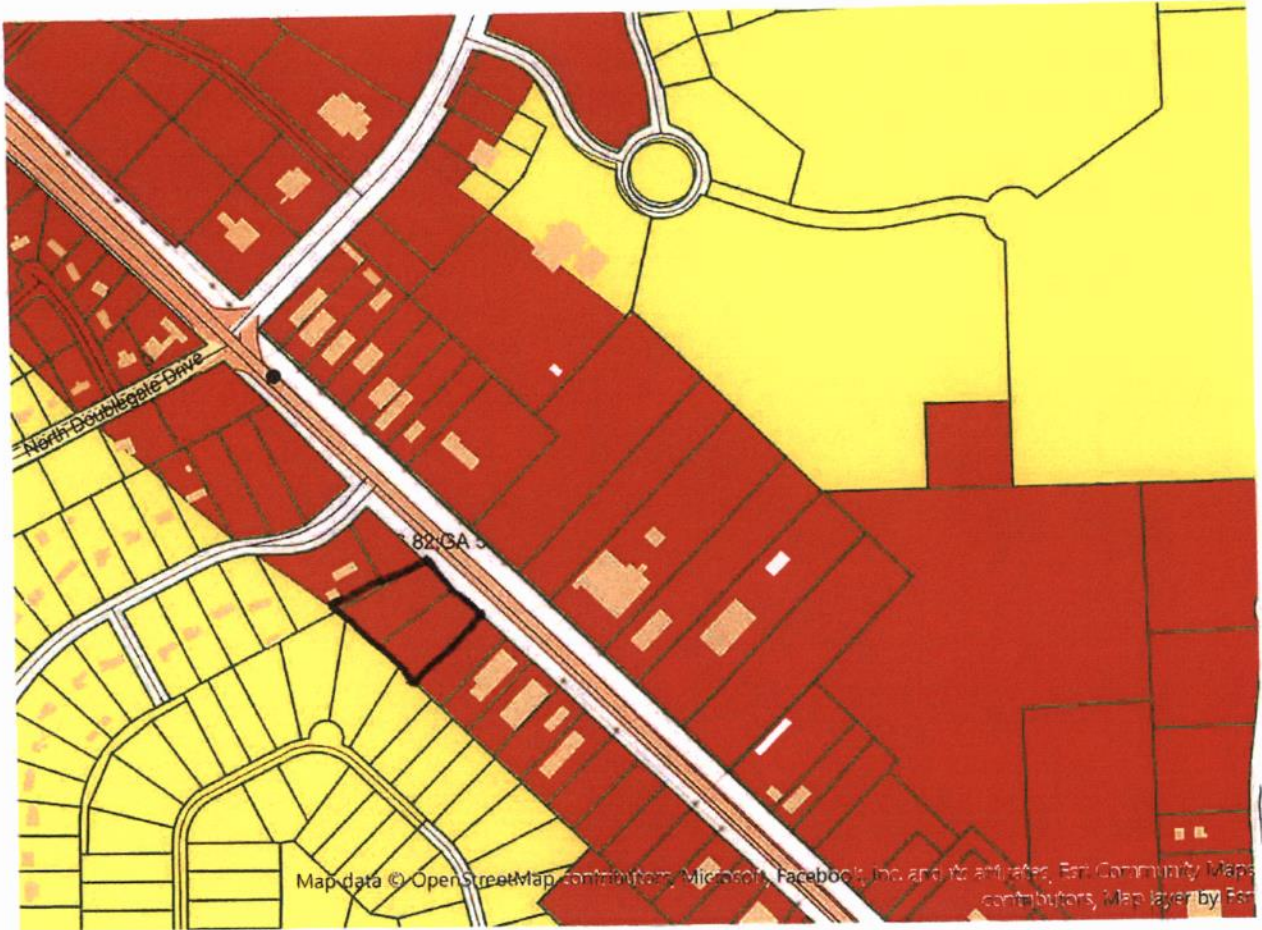
Last 2 Sales			
Date	Price	Reason	Qual
7/16/1996	0	GF	U
n/a	0	n/a	n/a

(Note: Not to be used on legal documents)

Date created: 5/16/2023  
 Last Data Uploaded: 5/15/2023 8:07:12 PM

Developed by  Schneider  
 GEOSPATIAL

*Lot 16  
 Plat book 255  
 page 049*





LEE COUNTY  
Planning Department  
Lee County, Georgia  
Staff Report

Package Store License Review

**Application Name:** Request by Milan Patel for the retail sale of off-premises consumption of liquor, wine, and beer in a structure to be developed on vacant property zoned C-2.

**Date:** 7/7/2023

**Applicant Name:** Milan Patel

**Business Name:** TBD

**Location:** U.S. Highway 82 West, Leesburg, Lots 15 and 16 in W.M. Story Estate subdivision in Land Lot 262 of the 3<sup>rd</sup> Land District

**Existing Zoning:** C-2

Considerations for Approval or Denial

Proximity of the proposed business to densely populated residential districts.

*Adjacent to the south of the subject properties is an R-1 single-family residential subdivision with moderate overall density of approximately one home per acre. This nature of R-1 neighborhood extends southward and westward to the county limits. The R-1 single family properties in the vicinity do not have direct frontage on Highway 82 as does the subject property, and there are no residentially zoned districts similarly located with frontage on Highway 82 in the vicinity.*

Compliance with Zoning Regulations.

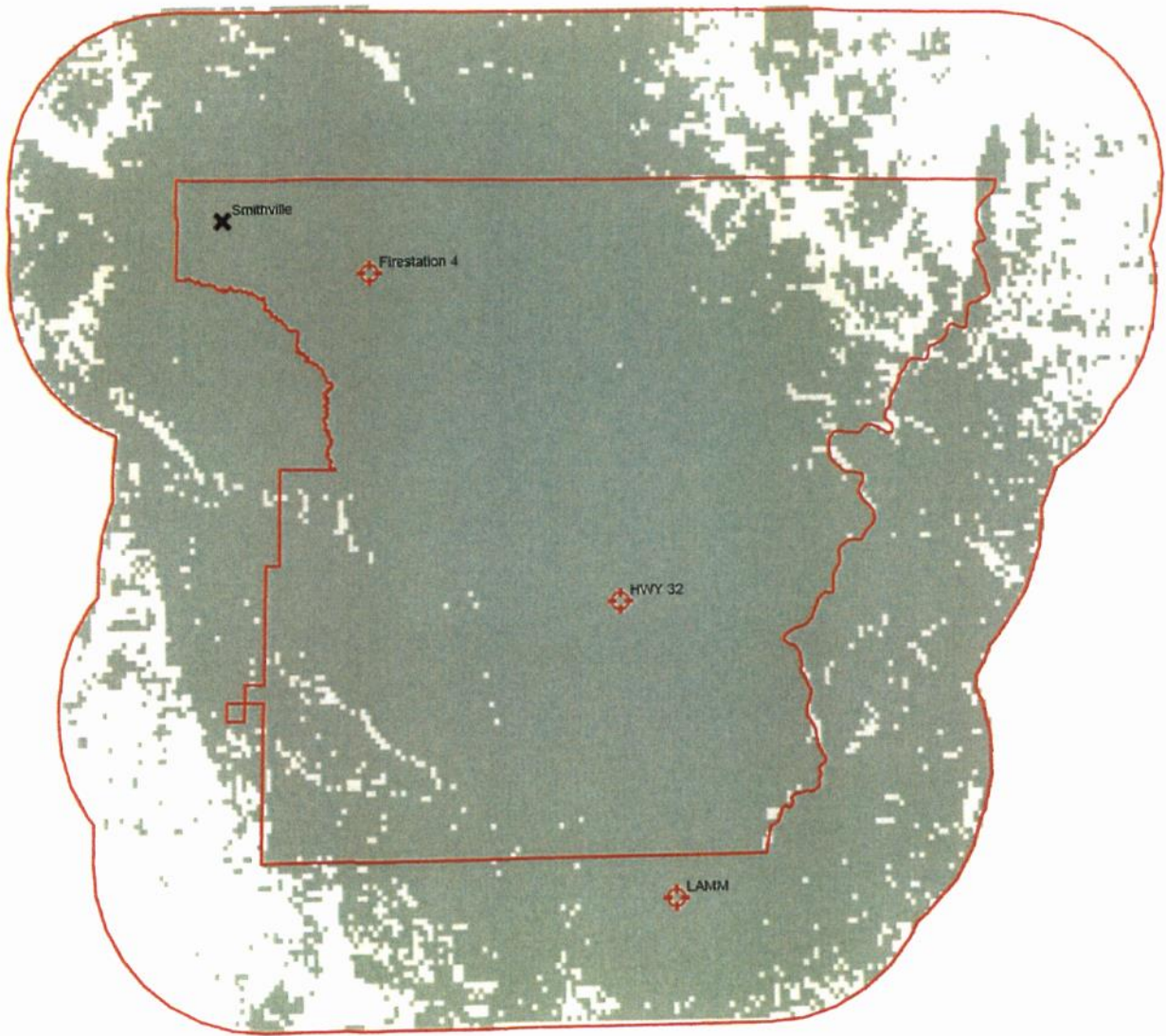
*The proposed location is not within one hundred (100) yards of any school building, school ground, church, college campus, or alcohol treatment facility per Sec. 6-56. Additionally, C-2 zoning allows "any retail or service establishment" as a permitted use, which would be understood to include package stores. No other restrictions or conditions are found in the C-2 district regarding liquor stores or sales.*

Planner Recommendation:

Based on the information provided above, and provided that all other requirements are met that do not pertain to zoning or location, staff recommends the Lee County Board of Commissioners approve the application made by Milan Patel for the establishment of a business offering retail sale of off-premises consumption of liquor, wine, and beer with the assumption and condition that all associated development and construction of new structures will meet all applicable County ordinances and requirements.

Maps showing coverage including the 5 mile contour boundary

Inbound Subscriber





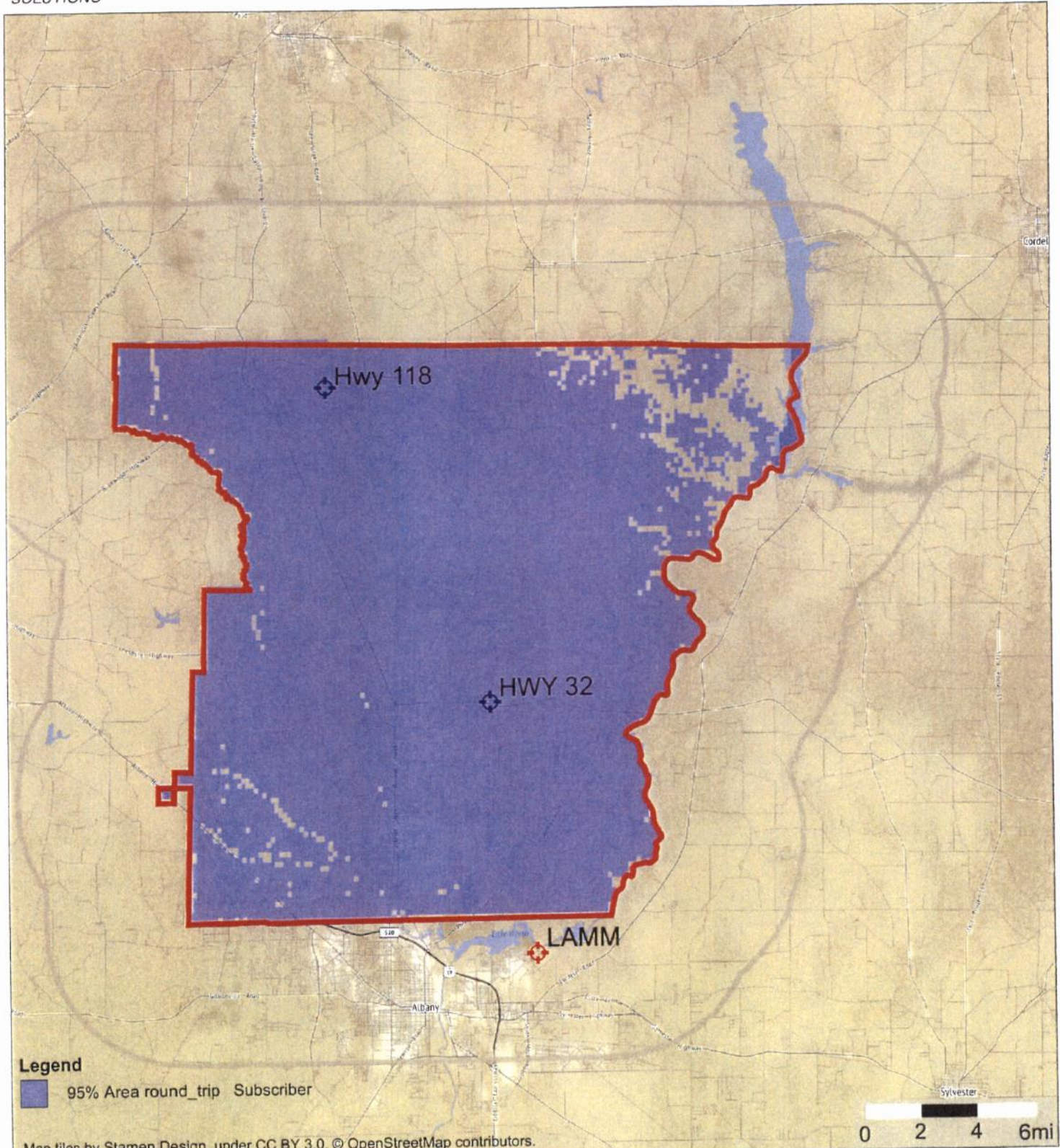


MOTOROLA SOLUTIONS

# Lee County ASTRO 25 Simulcast System

For Information Only

Portable Roundtrip at 95% Covered area Reliability



### Legend

95% Area round\_trip Subscriber

Map tiles by Stamen Design, under CC BY 3.0. © OpenStreetMap contributors.

Printed: 6/26/2023  
System version: 3.0.6.1

APX 6000 With 1/2-Wave Antenna at Hip Level in Swivel Case with RSM

Solution: SW Georgia  
Project: Lee County Simulcast System  
Design: Design 2 Smithville\_01  
NTJF64

This map is intended Solely for the equipment configuration above

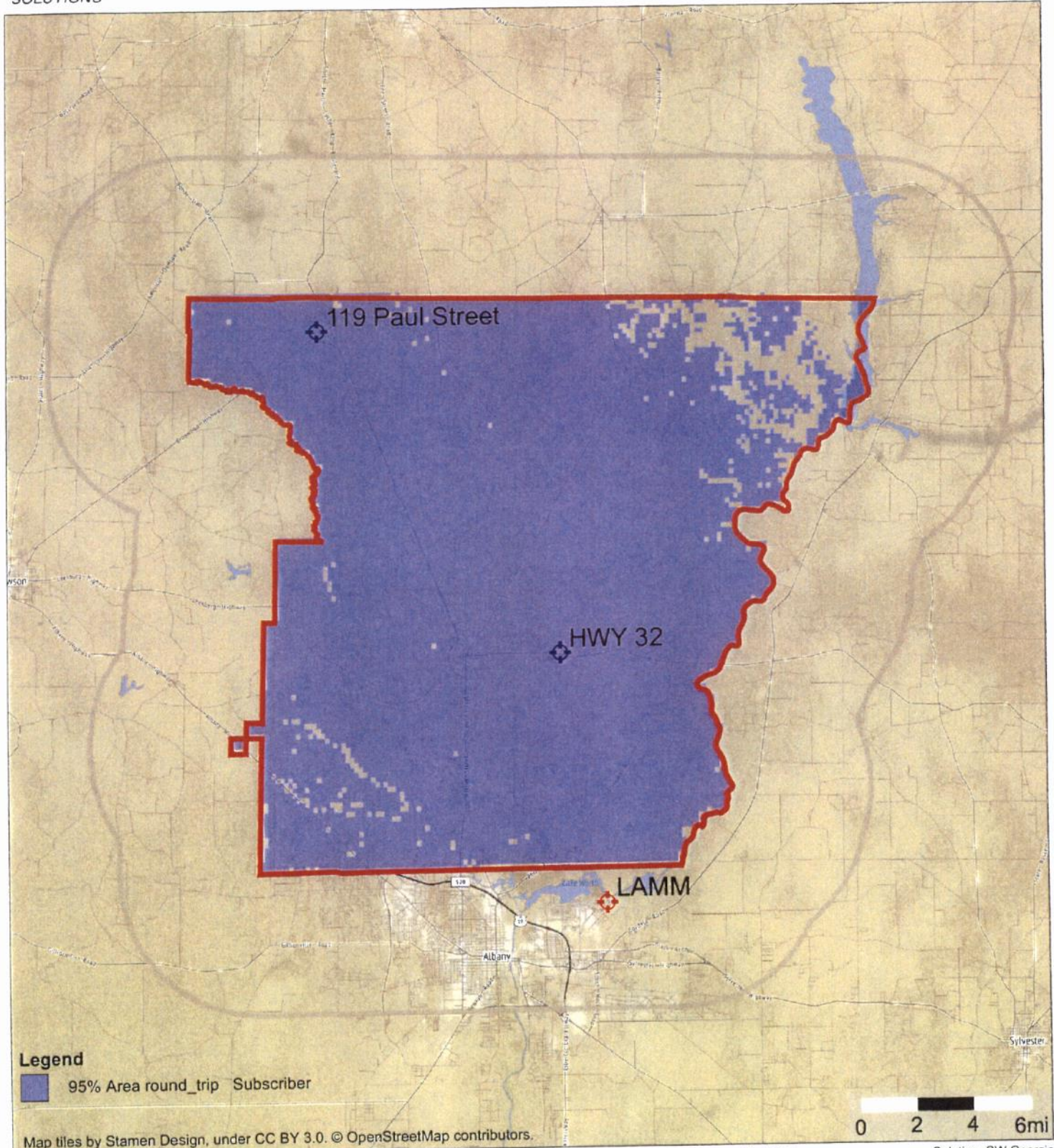


MOTOROLA SOLUTIONS

# Lee County ASTRO 25 Simulcast System

For Information Only

Portable Round trip at 95% Covered area Reliability



Printed: 6/26/2023  
System version: 3.0.6.1

APX 6000 with 1/2-Wave Antenna at Hip Level in Swivel Case with RSM

Solution: SW Georgia  
Project: Lee County Simulcast  
Design: Design 2 SMITHVILLE\_2  
NTJF64

This map is intended solely for the equipment configuration above.



## MEMORANDUM

### LEE COUNTY BOARD OF COMMISSIONERS

**TO:** Honorable Board of County Commissioners  
**SUBJECT:** County Updates

---

#### 2021 CDBG

- Palmyra Mobile Home Park project
- Project application submitted June 4, 2021
- Pre-Application Public Hearing held September 22, 2020
- Recommended County match at \$100,000.00
- \$469,284.00 grant amount awarded to Lee County on September 27, 2021
- Kick-off Meeting – December 2021
- Chad Griffin, Still Waters Engineering, verified the property lines
- Utilities Authority approved easements on September 15, 2022
- RFP for Water Extension services published September 6, 2022
  - Bid Opening: October 11, 2022
  - BOC awarded bid on October 11, 2022 to Zane Grace Construction for a base bid of \$541,810.78
  - November 30, 2022: Pre-Construction Meeting held with the contractor, engineers, and representatives of DCA, the County, and the Utilities Authority
  - MHP owners have signed the easement documents.
- Fire hydrants installed on Palmyra Road
- Lee County will be eligible for a FY 2024 CDBG project
- Completion: June 2023

#### Agricultural Complex

- Located on 100 acres on Leesburg Bypass — 231 State Route 3
- Proposed plans provided July 29, 2020
  - Including: A boating access point at the creek's edge, the agricultural complex, walking trails, and campsites
- Resolution adopted and lease agreement signed on September 22, 2020 with Georgia Department of Natural Resources for a Boat Ramp
  - Renewed January 11, 2022
  - Estimated Start Date: Fall 2023
  - DNR hired EMC Engineering to survey property for canoe/kayak ramp
  - DNR staff notified us that the DNR Commissioner has signed the Boat Ramp agreement for the Lee County construction project
  - Engineering design will begin in January 2023
- Improvements to the Property
  - Renovation of Covered Building: New roof, fresh paint, picnic tables, electrical system, well
  - Bobby Donley, Lanier Engineering, provided proposed site plan
    - Proposal submitted to the BOC for review

- Trails: ¼ mile walking trail that runs along a 46 foot high ridgeline above the Kinchafoonee Creek and has a seasonal view of the waterway
  - Eight (8) picnic tables as well as a number of trash cans have been placed along this trail on the creek side
  - Directional signs for the area ordered (i.e. Parking, No Parking, trail markers, boundary signs, etc.)
- Future Improvements
  - Defining the road
  - Rocking the area on top of the ridgeline for a parking area
  - Placing a gate at the trailhead so that the area can be closed to public for safety during high water events
- Planning/Designing Committee created by the Board at the May 11, 2021 meeting
  - **Committee Members:** Art Ford, Tim Sumners, Tom Sumners, Bobby Donley, Lisa Davis, David Dixon, Judy Powell, Commissioner Rick Muggridge, Commissioner Luke Singletary, County Manager Christi Dockery, Parks & Recreation Director Jeremy Morey, Chief Marshal Jim Wright
    - **First Meeting:** June 14, 2021
    - **Second Meeting:** November 15, 2021
    - **Third Meeting:** January 11, 2022

### 2020 Census Numbers

- Lee County: 33,179
- Smithville: 593
- Leesburg: 3,480

### 2021 Census Numbers

- Lee County: 33,411

### Commercial Land Development Permits

- Ace Hardware Store
- Action Building
- Artesian City Federal Credit Union
- DeSoto Silicon Ranch Phase II & III
- Finish Line Storage 2
- Ledo Self Storage 2
- Oaklee Investment, LLC
- Woodgrain Millwork

### GIS

#### Road Layer

- Including road width, length, and speed limits

#### Utilities Mapping Project

- Purpose: To map all utilities in Lee County
  - Includes water mains, water valves, water towers, fire hydrants, sewer lines, sewer manholes, sewer pump stations, fiber, gas, telephone, etc. as well as feature type, pipe size, pipe material, valve size
  - Also mapping greenspace, stormwater holding ponds, Haz Mat lots, etc.
- Goal: To have an internet map in ArcGIS Online where utility workers can view utility maps on a tablet in the field.

### Gymnasium Renovation

- Project overseen by Bill Walter, Masonry Restoration Technologies & Services, LLC
- On December 14, 2021, the Board voted unanimously to allow the Courthouse Annex Window Sealant Project and the Gymnasium Window Replacement Project to be added to the existing contract for the Tharp Building Restoration Project for an estimated cost of \$56,840.00
- Project Completed: June 2023

## LMIG Funds

- **FY2024**
  - Letter received from GDOT July 5, 2023
  - Funds Received from GDOT: \$690,908.06
    - Total, with 30% match from Lee County: **\$898,180.48**
  - Application due February 1, 2024
- **FY2023**
  - Application Submitted October 18, 2022
  - Roads: Lumpkin Road West, Quail Street, Northwood Drive, Stanley Street, Cannon Drive, Balmoral Drive, Elgin Court, Montrose Drive, Brittany Lakes Drive, Fairethorne Drive, Graves Springs Road, Heathridge Court, Hearthstone Drive, Sterling Drive, Pewter Court, Willow Lake Drive, Fair Oaks Court, Hickory Ridge Court, Cedric Street, Ravenwood Court, Maplewood Court, and Sportmans Club Road. Striping remains to be completed.
  - Funds Received from GDOT: \$627,424.76
    - Total, with 30% match from Lee County: **\$815,652.19**
    - BOC awarded bid on December 13, 2022 to Reeves Construction Company for **\$1,977,781.35**
  - Completed: May 2023

## Sidewalks

- Georgia Department of Transportation, GDOT, has approved the City of Leesburg's request for funding assistance for sidewalks on State Route 3, State Route 32, and Firetower Road
- GDOT is committing up to \$304,000.00, or 70% of the project cost, whichever is less
- December 22, 2022: Board voted to pay the County's share of the cost for sidewalks on Firetower Road (\$13,500.00)
- Ongoing project

## Smithville Road Bridge

- Georgia Department of Transportation, GDOT, plans to replace the bridge over the Muckaloochee Creek on Smithville Road
- Construction and Maintenance Easements received from adjoining property owners and recorded
- Estimated Start Date: Summer 2023
  - Detour will be implemented during this construction

## Speed Limit Ordinance

- Approved by BOC at April 26, 2022 meeting
- Staff has submitted documents to GDOT
- Requested DOT examine Old Leesburg Road/State Route 133
- Awaiting GDOT review and approval

## SPLOST VII

- Collection: October 1, 2019 - September 30, 2025

## SPLOST VIII

- Possible Ballot Year: November 2024

## Storm Drainage Repair/ Holding Ponds

- Lumpkin Road
  - BOC approved a contract with Lanier Engineering to survey in March 2020
    - Survey completed June 2020
    - BOC currently reviewing plans and options
- Liberty Holding Pond (Doublegate)
  - BOC approved a contract with engineer Mike Talley to design
  - BOC approved a contract with Lanier Engineering to survey in February 2019
  - Under review

## TSPLOST

- Collection: April 1, 2019 - March 31, 2024

## TSPLOST II

- Joint meeting held Tuesday, June 21, 2022 at 5:00pm
- Voters approved continuation of TSPLOST II - November 8, 2022 Election
- Collection: April 1, 2024 – March 31, 2029

## Westover Extension

- GDOT project - DARTS support
- Will connect Westover Road and Ledo Road at Capstone Connector
- Oxford has begun work
- Staff is working with DARTS on signal and safety issues for Ledo Road intersection
- Estimated Completion Date: December 2024

## RFPs and RFQs

### Open

#### Elections and Registration Office Renovation

- Approved by BOC at April 11, 2023 meeting
- Pre-Bid Meeting: July 6, 2023
- Bid Opening: July 20, 2023
- Results to be brought to the Board on July 25, 2023

### Recently Awarded

#### Indigent Defense Services for Magistrate Court

- Bid Opening: May 23, 2023
- BOC awarded bid on June 13, 2023 to **The Eidson Firm** at a cost of \$3,000.00 per month
- Board voted to table the bid on April 11, 2023 and republish after an original bid opening on April 6, 2023

#### Administrative and Related Grant Services for the CDBG

- Bid Opening: May 7, 2023
- BOC awarded bid on May 23, 2023 to **Roberson and Associates**

#### Engineering and/or Architectural Grant Services for the CDBG

- Bid Opening: May 9, 2023
- BOC awarded bid on May 23, 2023 to **Still Waters Engineering**

#### Inmate Medical Services

- Bid Opening: April 27, 2023
- BOC awarded bid on May 9, 2023 to **Southern Health Partners**
- Base pricing of \$418,800.00 annually and with added Dental and Mental Health, will bring the first year's price to \$440,264.00
- Will increase by 4% the second and third year of the contract
- Service to begin July 1, 2023

### Future

#### Fencing

- Approved by BOC at April 25, 2023 meeting
- Staff writing RFP documents
- To be placed at several County facilities
- Projected Bid Opening: July 2023

### **Courthouse Window Coverings**

- Approved by BOC at May 25, 2021 meeting
- Pre-Bid Meeting: October 18, 2022
- Project to be reopened at a future date
- Projected Bid Opening: TBD

### **LED Lighting in the Fire Stations**

- Previous Pre-Bid Meeting: September 20, 2022
- Previous Bid Opening: October 19, 2022
- Results brought to the Board on October 25, 2022
  - Bids rejected
- Bid documents to be reviewed and revised
- Project to be reopened at a future date
- Projected Bid Opening: TBD

### **LED Lighting in all County Buildings**

- Approved by BOC at March 23, 2021 meeting
- Projected Bid Opening: TBD

### **ADA Compliant Website**

- Staff writing RFP documents
- Projected Bid Opening: TBD

### **County Building Painting Services**

- Approved by BOC at March 23, 2021 meeting
- Staff writing RFP documents
- Projected Bid Opening: TBD

### **Flooring Services for County Buildings**

- Approved by BOC at April 27, 2021 meeting
- Staff writing RFP documents
- Projected Bid Opening: TBD

### **Extended Sewer Installation on Hwy 19**

- Approved by BOC at June 22, 2021 meeting
- Staff writing RFQ documents
- Projected Bid Opening TBD



## MEMORANDUM LEE COUNTY BOARD OF COMMISSIONERS

**TO:** Honorable Board of County Commissioners

**SUBJECT:** Surplus Vehicles and Equipment

**MEETING DATE:** Tuesday, July 11, 2023

---

### MOTION/RECOMMENDATION

Motion to declare equipment and vehicles surplus.

### BACKGROUND

Staff recommends the Board of Commissioners declare these vehicles and equipment as surplus, due to miscellaneous problems:

- 2010 Ford F-150 XL Pickup Truck, VIN 1FTEW1CW1AFD19335, Vehicle #850  
Excessive mileage of 287,781
- 2007 Ford F-150 Pickup Truck VIN 1FTRX12W17FA95184, Vehicle #895  
Excessive mileage of 248,647
- 1984 Caterpillar 130 G Motorgrader, Equipment #8122, 4 Grader Blades, 1-Tire, and Air Filters
- 6 foot Rhino Mower Deck, Equipment #848-1  
No PTO Clutch, replaced with new
- 6 foot Rhino Mower Deck, Equipment #848-2  
Replaced with new
- Woods Batwing Mower Deck, Equipment #848-3  
No longer used
- 2006 John Deere Gator 6X4, S.N. MOM6X4D020771, Vehicle #852
- 1994 Olympian Generator, S.N. 2014633
- 2007 Generator, S.N. FZ2843
- 2003 Generator, S.N. FZ34376



- 2008 Generator, S.N. FZ39455
- 2003 Generator, S.N. FZ234550
- 1999 Generator, S.N. FZ230050
- 2000 Generator, S.N. FZ03133
- 2000 Generator, S.N. FZ13998
- 1999 Olympian Generator, S.N. E0293Q/001
- 1999 Generac Generator, S.N. 2048370
- Ingersoll Rand Permanently Installed Stationary Air Compressor  
Legs rusted off, leaks air
- TR-1 Pipe Trailer with pipes pin type hitch
- Tr-2 Pipe Trailer with pipes pin type hitch
- 2001 Honda Rancher ATV, Vehicle #653, S.N. TRX350FMI
- Worthing Air Compressor, S.N. EU-5084
- Hydraulic Pump with motor and tank
- 2004 Dog Box slide in unit, S.N. 0304-0135
- 2003 Dog Box slide in unit, S.N. 0309-0137
- 2004 Dog Box slide in unit, S.N. 0408-0215



## MEMORANDUM LEE COUNTY BOARD OF COMMISSIONERS

**TO:** Honorable Board of County Commissioners  
**SUBJECT:** LMIG 2024  
**MEETING DATE:** Tuesday, July 11, 2023

---

### MOTION/RECOMMENDATION

Discussion of the LMIG 2024 application.

### BACKGROUND

This month, the Georgia Department of Transportation will begin accepting applications for the FY 2024 LMIG Program. The county's formula amount for 2024 is \$690,908.06, plus our 30% local match of \$207,272.42 comes to a total of \$898,180.48 to put towards various road projects. This is an increase of \$82,528.29 from FY2023. **All electronic LMIG applications must be received no later than February 1, 2024.**

The estimated cost to resurface a road is \$230,000.00 per mile and the estimated cost to pave a road is \$1.25 million per mile. There is currently approximately \$3,121,267 available in TSPLOST funds and also approximately \$2,300,000 available in SPLOST VII funds.

### ATTACHMENTS

Letter from GDOT  
List of Potential Projects  
List of Completed Projects



**Russell R. McMurry, P.E., Commissioner**  
One Georgia Center  
600 West Peachtree Street, NW  
Atlanta, GA 30308  
(404) 631-1000 Main Office

June 28, 2023

The Honorable Billy Mathis, Chairman  
Lee County  
102 Starksville Ave N, Room 205  
Leesburg, Georgia 31763

**RE: Fiscal Year 2024 Local Maintenance & Improvement Grant (LMIG) Program**

Dear Chairman Mathis:

We are pleased to announce that the Department will begin accepting applications for the Fiscal Year 2024 LMIG Program in July 2023. Grants will be processed electronically through our **GRANTS (LMIG) Application System**. To begin your FY 2024 LMIG Application, please visit the Department's website at <https://www.dot.ga.gov/GDOT/Pages/LMIG.aspx>. This site provides a link to the LMIG Application, the LMIG Application Tutorial (Manual), and to the General Guidelines and Rules and other pertinent reports. The project list will be entered directly into the LMIG Application System. Please contact your District State Aid Coordinator, **Shannon Bradford**, at **229-391-5438** for assistance with the online application process.

For an application to be processed, the following requirements must be met:

- A local government must be in Department of Audits and Accounts (DOAA) and Department of Community Affairs (DCA) audit compliance.
- A signed cover letter must be attached and include a completion status of the last three fiscal years' LMIG Grants.
- A signature page must include both the local government seal and the notary seal. The application website provides a blank signature page for you to download, complete and upload as an attachment.
- A local government must provide their District State Aid Coordinator with a Statement of Financial Expenditures form and invoices for Fiscal Year 2021 projects and all other prior years unless previously approved to combine funding for Fiscal Years 2021, 2022, and 2023. The forms can be attached in the LMIG Application System if they have not already been provided to your District State Aid Coordinator.

**All electronic LMIG applications must be received no later than February 1, 2024.** Failure to submit applications by the deadline might result in a forfeiture of funds.

Your formula amount for the Fiscal Year 2024 Program is **\$690,908.06** and your local match is **30%**. Each local government is required to match this formula amount in accordance with Code Section 48-8-244(d).

If you have any questions regarding the LMIG Program, please contact the Local Grants Office in Atlanta at (404) 347-0240 or email questions to [LocalGrantsProgram@dot.ga.gov](mailto:LocalGrantsProgram@dot.ga.gov).

Sincerely,

Bill Wright

Local Grants Administrator

cc: The Honorable Carden Summers, Georgia State Senate  
The Honorable Bill Yearta, Georgia House of Representatives  
The Honorable Cathy Williams, State Transportation Board  
Scott Chambers, District Engineer  
Shannon Bradford, District State Aid Coordinator

**Recommended Road Resurfacing Projects**

Road Name	Grade	From	To	Miles	Width	District	Details			
Mossy Dell Road	73	S.R. 32	New York Road	2.91	20	1	Level and Resurface	\$	825,000.00	Slight to Moderate Alligator Cracking on 60% of Road, Severe Edge Unraveling, Really Bad Section in Creek Crossing
Lumpkin Road E	92	Smithville Road	Griffith Road	1.57	20	1	Level and Resurface	\$	361,100.00	Some Slight Block Cracking
New York Road	70	S.R. 195	Philema Road	5.25	22	1	Level, Resurface, Widen	\$	1,785,000.00	Slight to Moderate Alligator Cracking on 20% of Road, Severe Edge Unraveling Making Road Narrow, Several Base Failures East of Mossy Dell
Chokee Road	65/85	S.R. 195	Pryor Road	3.84	20	1	Level and Resurface	\$	882,499.04	5-6 Potholes From Base Failure, Severe Alligator Cracking, Most Damage North of Dan Green Road- Grade is 65 North of Dan Green and 85 South
Pryor Road	65	County Line	County Line	1.30	20	1	Level and Resurface	\$	299,000.00	Severe Base Failure on 20% of Road, Alligator and Block Cracking Also Present
Cutts Road	70	Chokee Road	Pryor Road	0.76	20	1	Level and Resurface	\$	174,800.00	Some Potholes and Alligator Cracking on 30% of Road, Unraveling Edges and Some Base Failure
Pinewood Road	80	U.S. 19	S.R. 32	5.96	20	2	Level and Resurface	\$	1,370,462.25	Some Alligator Cracking in Wheel Paths for the First 2 Miles by Prison
Forrester Pkwy	78	U.S. 19	Philema Road	5.35	24	2, 3, 5	Level and Resurface	\$	1,230,881.27	Some Cracking and Settling of Road Makes Ride Rough
Fussell Road	76	U.S. 82	Palmyra Road	2.22	20	3	Level and Resurface	\$	510,976.18	Small Amount of Base Failure and Alligator Cracking Along Edges, Potholes and Some Edge Unraveling
Ledo Road	78	U.S. 82	U.S. 19	3.51	24-62	3	Level and Resurface	\$	?????	Would Need to Split With City of Albany, Some Potholes Beginning to Form, Stress Cracking and Settling Also Present
Graves Springs Road	73	Forrester Pkwy	S.R. 32	5.20	20	5	Level and Resurface	\$	1,196,000.00	Alligator Cracking on Wheel Paths on 25% of Road That Will Lead To Base Failure Soon, Some Base Failure Already Present

Cost Per Mile to Resurface 230000

- Mossy Dell Road 1 ----
- New York Road 2 ----
- Chokee Road 3 ----
- Forrester Pkwy 4 ----
- Graves Springs Road 5 ----
- Pinewood Road 6 ----
- Fussell Road 7 ----
- Lumpkin Road E 8 ----

- Airport Road ---- West of Smithville
  - Jordan Road ---- Leesburg
  - Century Road ----
  - Mayhaw Road ----
  - Smithville Road ---- Looks Good
  - Childers Road ----
  - Philema Road ----
- Should do Pinewood First

**Connector Roads**

- 1 Airport Road
- 2 Childers Road
- 3 Richardson Road
- 4 Smithville Road
- 5 Chokee Road
- 6 Cutts Road
- 7 New York Road
- 8 Philema Road
- 9 Mossy Dell Road
- # Lumpkin Rd E
- # Pinewood Road
- # Graves Springs Road
- # Middle Road
- # Forrester Pkwy
- # Century Road
- # Palmyra Road
- # James Pond Road
- # Mayhaw Road
- # Oakland Road
- # Fussell Road
- # Oakland Parkway
- # Ledo Road

