

Appendix A - CATOOSA COUNTY UNIFIED DEVELOPMENT CODE
ARTICLE I. - GENERAL PROVISIONS

1.06.02 Responsibility for Interpretations

Add to A. "and the ordinances as written."

- A. In the event that any question arises concerning the application of regulations, standards, definitions, development criteria, or any other provision of this UDC, the Zoning Administrator shall be responsible for interpretation. In the interpretation of this UDC, the Zoning Administrator shall be guided by the Catoosa County Comprehensive Plan, applicable state or federal law, **and the ordinances as written**. The Director may also refer any issue to the County Attorney, the Catoosa County Planning Commission (Planning Commission), or to the Catoosa County Board of Commissioners (Board of Commissioners) for their determination.

1.08.02 Definitions

Add the definition:

Chicken. A domesticated jungle fowl species, *Gallus gallus domesticus* (Genus, species, subspecies). A common domestic fowl.

Add the definition:

Coop / Animal Living Quarters. An accessory structure with a roof and four walls that may have attached runs, an outdoor pen, or fencing for confining domesticated animals.

Add "dependent on humans for survival" & "absolute property of the owner" to the definition:

Domesticated animals. Those animals that are tamed, associated with a family life, **dependent on humans for survival**, accustomed to living in or near habitations of humans, and **absolute property of the owner**.

Add the definition:

Flock. A group of domesticated animals living or herded together.

Add the definition:

Livestock. A domestic hooved animal such as sheep, swine, cattle, goat, horse, mule, or other equine kept for sale or profit.

Add the definition:

Non-domesticated Animal. A wild animal that has not been domesticated by man.

Add the definition:

Pet. Any domesticated animal normally maintained in or near the household of the owner, and is raised or kept for companionship, show, or utility.

Add the definition:

Poultry. A domesticated fowl kept for utility. Shall not be considered an agricultural farm-animal or livestock when kept for noncommercial purposes.

Add “commercial” to the definition:

Poultry production. Breeding, hatching or raising of poultry for **commercial** meat or egg production.

Add “A hobby sawmill for noncommercial use is allowed.” to the definition:

Sawmill. An establishment engaged in sawing dimension lumber, boards, beams, timbers, poles, ties, shingles, shakes, siding, and wood chips from logs or bolts. Sawmills may plane the rough lumber that they make with a planing machine to achieve smoothness and uniformity of size. Sawmills may include a woodyard. **A hobby sawmill for noncommercial use is allowed.**

Add “ Whenever the terms of this ordinance provide for a decision to be made by one zoning entity, the entity with greater authority in the line of authority has the power to overrule, affirm, or modify the decision made by the entity lower in the line of authority.” to the definition:

Zoning entity. As used in Article IX, term shall mean: the Zoning Administrator, Planning Commission or governing authority. **Whenever the terms of this ordinance provide for a decision to be made by one zoning entity, the entity with greater authority in the line of authority has the power to overrule, affirm, or modify the decision made by the entity lower in the line of authority.**

ARTICLE II. - ZONING DISTRICTS AND LAND USES

2.03.01 Land Use Table, Generally

Add “**Flock of Poultry**” to Table 2-3 as Permissible with restrictions, “**P**” in R1 and RA districts.

Add “**Hobby Sawmill**” to Table 2-3 as Permissible, “**P**” in R1 & RA districts.

2.04.00 - DEVELOPMENT STANDARDS IN EACH ZONING DISTRICT

Amend minimum lot size of A1 and RA to **1 Acre** in Table 2-4 Development Standards Table.

Article IV. - SITE DESIGN STANDARDS

Amend “nondomesticated” to “domesticated” & Add “commercial” to:

4.09.02 Agricultural Operations

B. Due to the introduction of new breeds of animals and trends in animal ownership, other **domesticated** animals may be allowed upon approval of a Special Use Permit in accordance with Article IX of this UDC so long as such animals do not include **commercial** chickens or other **commercial** poultry, **commercial** pigs or other **commercial** swine, or wild non-domesticated animals known to attack humans without provocation.

1. In determining whether to allow the raising of other **domesticated** animals not listed in this subsection, the Board of Commissioners shall balance the benefits of raising the proposed type of animal with any possible

detrimental effects that the raising of such animal may have on other properties;

Add: 4.###.### Poultry Flock in R1 and RA Districts (if go alphabetically would become 4.09.26):

A poultry flock shall be allowed in R1 and RA residential districts with the following restrictions. Allowance shall not override or change any active HOAs or Subdivision Covenants and restrictions:

- 1) Maximum number of adult birds allowed is 24.
- 2) All adult birds must be noncommercial use.
- 3) All adult birds will be confined at all times on the owner's property.
- 4) All adult birds must be provided with an appropriate shelter and comply with Section 5.02.01 of the UDC.
- 5) All litter or waste shall be composted for use as fertilizer in the garden or be properly disposed of to prevent any nuisance odors to adjoining properties.
- 6) Peafowl and Guineas are not allowed in Subdivisions.
- 7) The owner shall be responsible for keeping a rooster from becoming a nuisance through confinement during the hours of 10 pm and 6 am, and through the use of no crow collars and the soundproofing of coops at the owner's discretion.

Add "commercial" to:

4.09.26 Poultry Production

Any **commercial** poultry house must be located at least 500 feet from adjoining property lines; provided further that if the adjoining property is residential property, then and in that event, said **commercial** poultry house or houses shall be located no less than 700 feet from the closest point to any dwelling, school or government owned building on the adjoining property.

ARTICLE IX. - ADMINISTRATIVE PROCEDURES

9.05.00 - NUISANCE ABATEMENT

9.05.01 Illustrative Examples of Nuisances

Add "with adjoining or adjacent properties" to C. 1). a.

Remove "or otherwise, in his discretion" from C. 1). a.

Add "c." to C.1)

C. *Nuisance Abatement.*

1) *Authorization.*

- a. The Zoning Administrator shall have the power to bring actions for a nuisance as they appear upon complaint by aggrieved citizens **with adjoining or adjacent properties.** ~~or otherwise in his discretion.~~
- b. In all cases for an abatement of a nuisance the Zoning Administrator shall request the defendant to abate the nuisance before instituting an action.
- c. **In all cases for an abatement of a nuisance, aggrieved citizens must sign an affidavit of complaint with the Zoning Administrator. A complaint shall not be anonymous.**

Add "with adjoining or adjacent properties"

2) Affidavit of Complaint.

No investigation or action based upon nuisance shall be commenced unless at least three persons from different households with adjoining or adjacent properties sign an affidavit of complaint with the Zoning Administrator, subject to subsection (3), below.

Amend "affidavit" to "affidavits"

3) *Discretion to Zoning Administrator.*

- a) If the Zoning Administrator determines the allegations of the affidavits of complaint appear to be made for the purposes of harassment by neighbor against neighbor, or are otherwise not brought in good faith, he may refuse to act upon the complaint.

~~Remove "b. The Zoning Administrator shall also be vested with discretion to bring an action for nuisance on his own motion or refuse to bring an action if in his opinion circumstances demand."~~

Add to b. iii. "and how it is a nuisance to adjoining or adjacent properties;"

Add to b. "iv. The UDC code violated shall be stated;"

Add "c"

4) *Notice to Abate.*

- a. Whenever any nuisance is found to exist within the jurisdiction of the county, the Zoning Administrator shall give written notice to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance, to abate the nuisance.
- b. The notice to abate a nuisance issued under the provisions of this Article shall contain the following:
- i. An order to abate the nuisance or to request a hearing within a stated time, which shall be reasonable under the circumstances;
 - ii. The location of the nuisance, if the nuisance is stationary;
 - iii. A description of what constitutes the nuisance and how it is a nuisance to adjoining or adjacent properties;
 - iv. The UDC code violated shall be stated;
 - v. A statement of acts necessary to abate the nuisance; and
 - vi. A statement if the nuisance is not abated as directed, the county will file an action in the Magistrate Court of Catoosa County, Georgia, to abate the nuisance.
- c. If the nuisance is abated and no further action is authorized, the case shall be closed from the date and time of abatement.

Add "C. The Zoning Administrator shall not trespass upon private property without the consent of the owner, a warrant, or as allowed by state or federal law."

9.07.02 Enforcement

- A. The Zoning Administrator shall have the power to enforce the provisions of this Article, and may write citations or commence proceedings for violations as they appear upon complaint by aggrieved persons, or otherwise.

B. In furtherance of his duties, the Zoning Administrator shall be relieved from any liability for trespass upon private property provided he is in the scope of his duty.

C. The Zoning Administrator shall not trespass upon private property without the consent of the owner, a warrant, or as allowed by state or federal law.

Add "C. Nuisance violations carry their own penalties in section 9.05.01 and are excluded from section 9.07.03"

9.07.03 Penalties

A. Any person violating any provision of this Article shall be guilty of a misdemeanor and upon conviction shall be punished for each offense according to law with the fine to be not less than \$50.00 and not more than \$1,000.00, or 60 days or both. Each day such violation continues shall be deemed a separate offense. In addition to any other penalties that may be imposed in this ordinance, a double permit fee will be charged for violators not obtaining a building/development permit originally (prior to construction or development).

B. Penalties for violation. Where the court finds a defendant guilty of a violation of this Article or any other portion of the UDC the Zoning Administrator is charged to enforce, the court shall in all cases impose at least a \$100.00 fine.

C. Nuisance violations carry their own penalties and are excluded from section 9.07.03