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Appendix A – Design Standard Details

Article 1. – Adoption, Purpose and Applicability

Sec. 101 - Purpose of article 1.

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

Sec. 102 - Title and authority.

102 (a) Short title.

This Code shall be known as and may be cited as "The Unified Development Code of Douglas County, Georgia" or, for brevity, "The Development Code" or "UDC."

102 (b) Authority.

This Development Code is enacted pursuant to Douglas County's authority to adopt plans and exercise the power of zoning granted by the Constitution of the State of Georgia, Article 9, Section 2, Paragraph 4; by Douglas County's authority to enact regulations and exercise powers granted by the Constitution of the State of Georgia, Article 9, Section 2, Paragraphs 1 and 3; 1981 Ga. Laws p. 4304 et seq., as amended, including but not limited to Section 9(a)(10); by Official Code of Georgia Annotated (O.C.G.A.) Section 3666-2(b); by that authority set forth in the Code of Douglas County, as amended; by the County's general police powers; and by other powers and authority provided by federal, state and local laws applicable hereto.

Sec. 103 - Adoption.

For the purposes stated herein, the Board of Commissioners of Douglas County does hereby enact as law the articles and sections contained in this Unified Development Code.

103 (a) Components of the development code.

This Code and the official zoning maps of the county on file and maintained in the office of the Department of Development Services shall together constitute the Unified Development Code of Douglas County, Georgia.

103 (b) Conflict with other regulations.

Whenever the regulations of the Code require or impose other more restrictive standards than are required in or under any other statute, the regulations and requirements of the resolution shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Code, the provisions of such statute shall govern.

103 (c) Severability and validity.

It is hereby decreed to be the intention of the Board of Commissioners of Douglas County that the sections, paragraphs, sentences, clauses and words of the Code are severable and if any word or words, clause or clauses, sentence or sentences, paragraph or paragraphs, section or sections of this Code shall

be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining words, clauses, sentences, paragraphs, and sections of this Code as the same would have been enacted by the Board of Commissioners of Douglas County without the incorporation in this Code of any such unconstitutional word or words, clause or clauses, sentence or sentences, paragraph or paragraphs, section or sections.

103 (d) Effective date.

This Development Code shall take effect upon its adoption by the Board of Commissioners of Douglas County, Georgia. Any subsequent amendments thereto shall likewise take effect upon their adoption.

Sec. 104 - Purpose and intent.

104 (a) Purpose of the development code.

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

- (1) To lessen congestion in the streets;
- (2) To secure safety from fire panic and other dangers;
- (3) To provide adequate access to light and air;
- (4) To prevent the overcrowding of land and avoid undue concentration of population;
- (5) To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, in accordance with a comprehensive plan;
- (6) To promote the orderly and beneficial development and expansion of the County; and
- (7) To promote the orderly and desirable development of public and private utilities and services.

104 (b) Purposes of the comprehensive plan.

The Douglas County, Georgia, comprehensive land use and thoroughfare plan is hereby adopted for the following purposes, among others:

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

104 (c) Intent in interpretation.

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

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

104 (d) Intent relative to private property agreements.

This Code is not intended to abrogate, annul or otherwise interfere with any easement, covenant or other private agreement or legal relationship; provided that, when the regulations of this Code are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements or legal relationships, the regulations of this Code shall govern.

104(e) Interpretation.

1. Responsibility for interpretation.

- a. The Zoning Official shall have sole and final administrative authority and responsibility for the interpretation of the requirements, standards, definitions or any other provision of this Development Code, the zoning map or Comprehensive Plan and Future Land Use Map. Upon written request for an interpretation, the Zoning Official shall respond in writing within seven days. Interpretations or actions made by any other administrative official of the County under this Development Code may be affirmed by the Zoning Official. Interpretations or actions of any County staff shall first be affirmed by their respective administrative official and then may be affirmed by the Zoning Official. An administrative official is defined as the head of any department subject to, or responsible for, these regulations.
- b. Interpretations or actions of the Zoning Official, County staff or administrative officials shall be appealed to the Board of Appeals under the provisions of this Development Code relating to appeals. Upon any request for an interpretation, the Zoning Official may decline to provide an interpretation and request a ruling by the Board of Appeals at their next regularly scheduled meeting, and such proceeding shall be considered an appeal.

2. Use of figures for illustration. Figures associated with defined terms or regulatory paragraphs in this Development Code are provided for illustration only and do not limit or change the meaning of the term as defined or the requirements of the regulation as written.

3. Use of words and phrases. For the purpose of this Development Code, the following shall apply to the use of words and phrases:

- a. Words used in the present tense include the future tense. Words used in the singular number include the plural number, and words used in the plural number include the singular number. The masculine person "he" or "his" also means "her" or "hers."
- b. References to the "County" and to the County Commission and any public officials or appointed bodies of the County not otherwise named by political jurisdiction or defined in this Development Code shall always mean Douglas County, Georgia, and its governing body, appointed or employed officials, and appointed bodies as named. These include:
 - 1) The County Manager, appointed as such by the Commissioners, or the County Manager's designee.

- 2) The Zoning Official, appointed as such by the County Commissioners, or the Zoning Official's designee.
 - 3) The Building Official, appointed by the Development Services Director as such under the building code, or the Building Official's designee.
 - 4) The Planning and Zoning Board, as designated by the County Commissioners to consider and make recommendations under the Zoning Procedures Act, including zoning changes and special use requests as well as to hear and make final decisions on appeals.
- c. References to an administrative department of the county shall always mean the department created by the County Commissioners as such. These include:
- 1) Development Services Department: References to action by the "Development Services Department" shall mean action by that administrative official to whom responsibility for that action has been assigned by the Development Services Director.
 - 2) Fire Department: A reference to action by the "fire department" shall mean action by that administrative official of the Douglas County Fire Department to whom responsibility for that action has been assigned by the fire chief.
 - 3) Planning and Zoning Department: References to action by the "Planning and Zoning Department" shall mean action by that administrative official to whom responsibility for that action has been assigned by the Development Services Director., including but not limited to the Planning and Zoning Manager, Zoning Administrator, all Code Compliance Officers, and any Acting Zoning Official.
 - 4) Transportation Department: A reference to action by the "Department of Transportation" shall mean action by the Director or his designee, who is responsible for the operation, maintenance, expansion and future development of the County Transportation System and all related facilities. This responsibility includes but is not limited to, planning, access management, design review/approval, utility permit approval and jurisdictional coordination of transportation plans with other state and local agencies.
- d. References to public officials, departments or appointed bodies of jurisdictions other than Douglas County shall always mean such persons or bodies having jurisdiction over or relative to Douglas County, Georgia. These include:
- 1) The Clerk of the Superior Court of Douglas County, Georgia.
 - 2) The Douglas County Health Department.
 - 3) The West Georgia Soil and Water Conservation District.
 - 4) The Atlanta Regional Commission.
 - 5) The Georgia Departments of Natural Resources (DNR) and Transportation (GDOT).
 - 6) The Georgia Regional Transportation Authority (GRTA).

- 7) The United States Army Corps of Engineers, the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), the Federal Emergency Management Agency (FEMA) and the Environmental Protection Agency (EPA).
- 8) The Water Sewer Authority (WSA) of Douglasville-Douglas County.
- e. The word "person" is intended to include any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this State, any interstate body or any other legal entity.
- f. The words "shall," "will," "is to" and "must" are always mandatory and not discretionary, while the word "may" is permissive.
- g. The word "and" indicates that all the conditions, requirements or factors so connected must be met or fulfilled, while the word "or" indicates that at least one condition, requirement or factor so connected must be met.
- h. The term "such as" is intended to introduce one or more examples in illustration of a requirement or point and is intended to mean "including but not limited to the following."
- i. The verbs "zone" and "rezone" have the same meaning and refer to the act of amending the official zoning map through the process established by this Development Code.
- j. The nouns "zone," "zoning district" and "district" have the same meaning and refer to the zoning districts established under this Development Code.
- k. The word "day" means a calendar day unless otherwise specified as a business day, which means Monday through Friday.
- l. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged," or "designed to be used or occupied."
- m. The word "map" or "zoning map" means the official Zoning Map of Douglas County, Georgia, and may include a series of maps in sections.
4. Meaning of words and phrases.
 - a. All words and phrases are to be interpreted within the context of the sentence, subparagraph, paragraph, subsection, section and article in which they occur.
 - b. Words and phrases defined.
 - 1) Words and phrases defined in this Development Code shall be interpreted as defined without regard to other meanings in common or ordinary use, unless the context of the word or phrase indicates otherwise.
 - 2) Words and phrases not defined in this Development Code or in any other ordinance of the County shall be construed to have the meaning given by common and ordinary use as defined by a common English dictionary.
5. Computation of time. Except as otherwise provided, when a period of time measured in days, weeks, months, years, or other measurements of time except hours is prescribed for the exercise of any privilege or the discharge of any duty, the first day shall not be counted but the last day shall be counted; and, if the last day falls on Saturday or Sunday or a county holiday

when county offices are closed, the party having such privilege or duty shall have through the next business day to exercise the privilege or to discharge the duty. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and county holidays shall be excluded in the computation.

6. Measuring Distance limitations when identified—Except as otherwise provided, when a minimum distance separation is required between land uses, all measurements shall be made by the most direct legal route of travel on the ground. The measurement shall start at the front door of the proposed use, down the closest drive or sidewalk to the nearest travelled road, street, or highway leading to the property that requires the separation and then:
 - (a) If the property or use requiring a minimum distance separation is on the opposite side of the street from the proposed use, or on another street than the proposed use, then down the right-of-way to the nearest crosswalk or intersection and then back up the public right-of-way to the property requiring a minimum separation; or
 - (b) If the property or use requiring a minimum distance separation is on the same side of the street as the proposed use, then down the right-of-way to nearest drive or walkway into the property and use.
 - (c) If the property or use requiring a minimum distance separation is a residential dwelling, it shall be measured from the corner of the building of the proposed use to the closest property line of the residential dwelling. The aforesaid distance requirements may be waived with the written consent of all property owners adjoining the proposed use.
7. Decision making responsibilities.
 - a. There are three basic categories of development reviews pursuant to this Development Code:
 - 1) Legislative reviews — involve a change in land use policy. A public hearing is required, and final approval must be made by the County Commissioners after or upon planning commission recommendation. Examples include rezoning decisions, special use permits, preliminary plat approvals, and comprehensive plan amendments.
 - 2) Quasi-judicial reviews — involves the application of discretionary standards required by this Development Code to an application. It requires procedural due process and a public hearing before the board of appeals. Examples include, variances, and appeals of administrative decisions, as well as design reviews that require interpretation of a set of design standards.
 - 3) Administrative reviews — involve the application of the standards of the Development Code by the Development Services Director or their designee to an application for approval. A public hearing is not required. Examples include development plans not requiring rezoning, building permits, sign permits, special event permits, and certificates of occupancy.
8. Supplementation of the Development Code.

Upon adoption of amendments to this Development Code, it may become necessary to make other non-substantive changes to article sections not associated with the actual amendment after supplemental sections are inserted into the Code. Said non-substantive changes being

necessary to preserve the original meaning and intent of this Development Code, shall not require Board of Commissioner approval. Such supplemental modifications shall be prepared by the person authorized to prepare such supplements, which may consist of formal, non-substantive changes in articles and parts of articles included in the supplemental, insofar as it is necessary to do so to embody all components into a unified code. For example, the person may:

- a) Organize the article materials into appropriate subdivisions;
- b) Provide appropriate catch-lines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catch-lines, headings, and titles;
- c) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- d) Make other non-substantive changes necessary to preserve the original meaning of article sections when amended sections are inserted into the Code.
- e) Correct typographic or grammatical errors as needed.

Sec. 105 - General applicability.

105 (a) Lands to which this Code applies.

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

105 (b) Applicability of the development code.

- (1) All buildings and structures erected hereafter, all uses of land, water, buildings or structures established hereafter, all structural alterations or relocations of existing buildings occurring hereafter, and all enlargements of, additions to, changes in and relocations of existing uses occurring hereafter shall be subject to all regulations of this Development Code which are applicable to the zoning district in which such buildings, structures, uses or land are located.
- (2) Existing buildings, structures and uses that comply with the regulations of this Code shall be subject to all regulations of this Development Code. Existing buildings, structures and uses that do not comply with the regulations of this Development Code shall be authorized to continue subject to the provisions of this Article relating to nonconformities.
- (3) All subdivisions, planned developments and land development projects proposed for approval and permitting hereafter shall be subject to all regulations of this Development Code.

105 (c) Exemptions.

- (1) Previously Issued Permits.

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

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

(2) Recently approved rezoning.

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

- a. A development permit or building permit authorizing such use is issued within six calendar months after the date of adoption of the Unified Development Code; and
- b. The development activity or building construction continues without interruption (except because of war or natural disaster) until the development or construction is complete. If the permit expires, any further development or construction on that site shall occur only in conformance with the requirements of the Unified Development Code in effect on the date of the permit expiration.

(3) Previously submitted applications.

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

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

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

(5) Governmental Exemption Effect on Unified Development Code

- a. This Development Code applies to all lands and the structures and uses thereon within the unincorporated areas of Douglas County, Georgia. All lands within the unincorporated areas of Douglas County have been properly zoned under the authorities

cited above in Section 102(b). The Douglas County Commissioners acknowledge the precepts of Governmental Exemption and Sovereign Immunity granted the County itself and other governmental or semi-public entities with those certain immunities providing the option to develop property without regard to the standards and restrictions of this Development Code when said development is within the purview of their respective governmental purposes. However, it shall be the expressed requirement of the Douglas County Commissioners that, absent a specific legislative conferral of immunity on said other governmental and semi-public entities, all property owned or proposed for development by semi-public or governmental entities should be developed according to the standards set forth within this Development Code.

(6) Authority to dispose of property, roads, rights-of-way or easements no longer needed for public purposes.

- a. Having been properly placed into the Public-Semi-Public Zone District at the time of adoption of this Development Code, in the event that governmental or semi-public exempt real property lands might be acquired by a non-exempt entity, said lands must seek approval of a rezoning request through the application and hearing process herein provided. If said exempt lands were not rezoned to the Public-Semi-Public district at the time of adoption of this Development Code, said lands and structures shall automatically be governed by the zone district within which they were properly placed at the time of adoption of this Development Code according to the official Zoning Map.
- b. Under the authority of OCGA §32-7-1 et. Seq., whenever deemed in the public interest that a dedicated section of road or alley right-of-way or public easement has for any reason ceased to be used by the public to the extent that no substantial public purpose is served by it or that its removal from the county system is otherwise in the best public interest, the county may declare that section of county right-of-way or public easement abandoned. Thereafter, that section of right-of-way or public easement shall no longer be part of the county system and the rights of the public in and to the section of road or alley right-of-way or public easement for public use shall cease. The abandoned section shall be governed by the zoning district extant on adjoining private property at the time of abandonment and the public ownership interest shall be deeded back to private ownership. - Whenever a street or alley is vacated, the presumption is that the fee is in the adjacent landowners, and that the right of each extends to the middle of the way. *Calvary Independent Baptist Church v. City of Rome*, 208 Ga. 312, 66 S.E.2d 726 (1951) unless otherwise agreed to and approved by the Commissioners.

Sec. 106 - Application of the regulations.

Except as hereinafter provided:

106 (a) General prohibitions.

- (1) No building or structure, and no use of any building, structure, land, or property, and no lot of record, now or hereafter existing, shall hereafter be established, constructed, expanded, altered, moved, diminished, divided, eliminated or maintained in any manner except in conformity with the provisions of this Development Code.

- (2) No subdivider shall proceed with any construction work on a proposed subdivision before obtaining preliminary plat approval from the County in conformity with the provisions of this Development Code.
- (3) The transfer of, sale of, agreement to sell, or negotiation to sell land by reference to or exhibition of, or other use of a plat of a subdivision that has not been given final approval by the County and recorded in the office of the Clerk of the Superior Court of Douglas County is prohibited, and the description by metes and bounds in the instrument of transfer or other document shall not exempt the transaction from compliance with this and all other provisions of this Development Code.
- (4) No land dedicated as a public street shall be accepted, opened or improved, nor shall any utilities or other facilities be installed therein, unless such street shall have been accepted or opened as, or otherwise shall have received the legal status of, a public street prior to the adoption of these regulations, or unless such street corresponds in its location and lines with a street shown on a final plat given final approval by the designated subdivision review staff with its stamps and signatures properly placed to the velum, mylar or archival paper copy that will be recorded in the Clerk of the Superior Court's office.
- (5) No building permit shall be issued on a lot that gains its access from a street that has not been improved to the standards required by this Development Code, unless:
 - a. The lot, in its current size and configuration, existed as a legal lot of record on the date of adoption of this Development Code and was not created as part of a five-lot split minor subdivision or a major subdivision, as defined in the Subdivisions and Planned Developments Article of this Development Code; or
 - b. The lot was created through approval by a judge of a Court-ordered procedure such as probate or divorce or through approval of any of the following minor subdivisions: recombination, two-lot split or large lot subdivision, as defined in the Subdivisions and Planned Developments Article of this Development Code.

106 (b) Use.

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

106 (c) Height and density.

No building or other structure shall hereafter be erected or altered:

- (1) To exceed the height limits;
- (2) To accommodate or house a greater number of families or occupy a smaller lot area per family;
or
- (3) To have narrower or smaller rear yards, front yards, side yards or other open spaces than are herein required or specified; or in any other manner contrary to the provisions of this Development Code.

106 (d) Yard service to one building.

No part of a yard, or other open space or off-street parking or loading space required about, or in connection with, any building for the purpose of complying with these regulations, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

106 (e) One principal house on a lot.

With respect to single-family detached dwellings, only one principal residence and its customary accessory buildings and structures may be erected on any one lot.

106 (f) Commercial Use on a lot

With respect to commercial uses, there shall be one principal use that may occupy a lot or structure except as otherwise provided herein for planned commercial centers and such other requirements as for example lot coverage, floor area ratios, parking ratios and life safety codes and standards pertaining to occupancy capacities or managing street addressing.

106 (g) Reduction of lot area.

No lot, even though it may consist of one or more adjacent lots of record shall be reduced in size so that the lot width or depth, front, side or rear yard, lot area per family, or other requirements of these regulations, are not maintained. This section shall not apply when a portion of a lot is acquired for public purposes.

Sec. 107 - Nonconformities.

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

107 (a) Nonconforming development; purpose and intent of provisions.

- (1). Treatment of nonconformity. This section sets out the provisions that protect uses, structures and lots that lawfully existed prior to the adoption of this Development Code or a subsequent amendment, but no longer conform to the new regulations. The primary intent of the treatment of nonconformity is to allow continuation of these uses, structures, lots and signs until the end of their useful life, while encouraging conformance to the new regulations when it becomes reasonable.
- (2). Nonconforming development declared incompatible. Lawful nonconforming uses, structures and lots are declared by this ordinance to be incompatible with land uses, structures, lots and signs that conform to the requirements of the zoning districts in which the nonconformity exists. However, such nonconforming development may be "grandfathered" and may continue under the circumstances presented in this article for each type of development.
- (3). Registration and recording. The Development Services Director, or his/her designee, at the request of the landowner of record or an authorized representative, may issue a certificate of nonconformance, a parcel of record certificate and/or a merger by contiguity certificate to the owner of each known nonconforming use, nonconforming parcel or nonconforming structure. The Development Services Director shall then record a copy of the certificate(s) in the office of the Clerk

of Superior Court within 30 days of its issuance at the applicant's expense. No use of land or structures so registered shall be other than specified on the certificate(s), unless said use is in conformity with the provisions of the zone district in which the parcel is located.

107 (b) Nonconforming uses.

(1) Nonconforming uses; defined.

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

(2) Continuance of nonconforming uses.

- a. To avoid undue hardship, the lawful but nonconforming use of any structure or land at the time of the enactment of this Development Code or any subsequent amendment may be continued even though the use does not conform to the provisions of this Development Code, except that the nonconforming use:
 1. Shall not be changed to another nonconforming use.
 2. Shall not be extended to occupy a greater area of land.
 3. Shall not be extended to occupy a greater area of a building or structure unless such additional area of the building or structure existed at the time of the passage or amendment of this Development Code and was clearly designed to house the same use as the nonconforming use occupying the other portion of the building or structure.
- b. If an existing use was lawfully established in a zoning district that is subsequently amended to require Special Use approval for such use, the existing use shall not be subject to the provisions of this subsection.
- c. Any intended but not yet existing nonconforming use for which a vested right was acquired prior to the adoption of this Development Code or the adoption of an amendment to it shall be prohibited unless such intended nonconforming use for which a vested right was acquired is actually commenced within 6 months of the adoption of this Development Code or the adoption of an amendment to it regardless of the intent or expectation to commence or abandon such nonconforming use.

(3) Re-establishment of a discontinued nonconforming use.

A lawful but nonconforming use of any structure or land shall not be re-established after its removal from the property, or after its discontinuance for 6 months or more, regardless of the intent of the owner or occupier to resume the nonconforming use. The nonconforming use of a property for occupancy by a manufactured home may not be resumed once the manufactured home is removed from the property.

107 (c) Nonconforming structures.

(1) Nonconforming structures; defined.

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

(2) Continuance of nonconforming structures.

a. A nonconforming structure may continue to be occupied and used, except that:

1. A nonconforming structure shall not be remodeled, repaired, rebuilt or altered to restore or maintain any nonconformity if the total gross square footage of new construction exceeds 50 percent of the gross square footage of the structure prior to destruction or alteration, unless the structure is an owner-occupied single-family residence.
2. A nonconforming structure may be repaired, rebuilt or altered to its original configuration after damage or destruction not exceeding 50% of its gross square footage, provided that:
 - a) Allowed reconstruction is to begin within 6 months after the damage or destruction is incurred; and
3. A nonconforming structure shall not be enlarged or altered in a way that increases its nonconformity, but it may be repaired to the extent necessary to maintain it in a safe and sanitary condition.

b. The strengthening or restoration to a safe condition of any nonconforming structure or part thereof declared to be unsafe by an official charged with protecting the public safety or health shall be allowed upon order of such official.

(3). Exceptions.

- a. If the public acquisition of a portion of a lot reduces any yard dimension to less than that required by this Development Code, the structure shall not be considered nonconforming.
- b. For residential lots, where any structure has encroached into a required setback and such encroachment was lawful at the time of construction, then further construction within the setback area vertical to the encroachment or parallel to the property line shall be allowed, so long as new construction does not encroach closer to the property line than the existing nonconformity. For residential lots, the remaining foundation of any partially demolished encroachment is sufficient evidence as a "structure" to vest the nonconformity under this provision.

107 (d) Nonconforming lots.

(1) Nonconforming lots; defined

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

(2) Continuance of nonconforming lots.

- a. Where the owner of a lot at the time of the adoption of this Development Code or the owner's successor in title thereto does not own enough land to enable such person to conform to the dimensional requirements of this Development Code, either:
 1. Such lot may be used as a building site for a single-family residence in a district where residences are permitted; or
 2. Such lot may be used as a building site for any other use permitted in the zoning district provided that said lot requirements or building setbacks are not reduced below the minimum specified in this Development Code by more than 25%.
 - b. Lot dimensional reductions greater than the 25% maximum reduction set forth in this Section may be approved upon appeal, provided that:
 1. The reduction is approved as a special exception variance under the appeals procedures of this Development Code;
 2. The decreased dimensional requirements conform as closely as possible to the required dimensions; and
 3. Access in conformance with this Development Code to a public street is provided directly or through a recorded easement.
- (3) Combination of nonconforming lots; where required.
- If two or more adjoining lots with contiguous frontage are in a single ownership at any time after the adoption of this ordinance and such lots individually are too small to meet the yard width and area requirements of the district in which they are located, such groups of lots shall be considered as a single lot or several lots of minimum permitted sizes and the lot or lots in one ownership shall be subject to the requirements of this ordinance.
- (4). Exceptions
- (a) If the public acquisition of a portion of a lot reduces the lot area, frontage, width or other dimension to less than that required by this Development Code, such lot shall NOT be considered nonconforming and shall be eligible for non-conformance certificate registration and recordation, as well as, building permit authorization.
 - (b) The lot was created through approval by a judge of a Court ordered procedure such as probate or divorce. Such lot shall NOT be considered nonconforming and shall be eligible for non-conformance certificate registration and recordation, as well as, building permit authorization.

107 (e) Non-conforming signs.

- (1) Nonconforming signs; defined.

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

- (2) Continuance of nonconforming signs.

A nonconforming sign that is permanently affixed to the ground or to a building may continue to be used, except that the nonconforming sign:

- a. Shall not be moved or replaced except in conformity with the provisions of this Development Code. The substitution or interchange of poster panels, painted boards or demountable material on nonconforming signs shall be permitted.
- b. Shall not be repaired, rebuilt, or altered after damage or destruction of 50% or more of its gross square footage, based on the installed size of the sign.
- c. Shall not be enlarged or altered in a way that increases its nonconformity, but it may be repaired to the extent necessary to maintain it in a safe and well-maintained condition.
- d. These provisions shall not have the effect of excusing any violation of any other ordinance or law of Douglas County. Nor shall these provisions have the effect of permitting the continued existence of any unsafe sign or any sign that is not in a good state of repair.

(3) Temporary signs to be removed.

- a. Any nonconforming sign that is temporary in nature and not permanently affixed to the ground or to a building, such as a streamer or pennant, shall be removed within 90 days of adoption of this Development Code.
- b. Failure to remove such nonconforming temporary sign or bring it into conformance following 30 days notice to the owner or occupant of the property by the Development Services Director shall authorize the County to institute enforcement procedures pursuant to this Development Code.

(4) Treatment of illegal signs.

- a. Illegal signs located within a public right-of-way or on public lands:
 1. Signs located illegally within any public right-of-way or other public lands shall be removed within sixty (60) days of adoption of this Development Code.
 2. The Development Services Director, other county employees, and private individuals, corporations and entities, if so authorized by the Board of Commissioners, shall be authorized to remove and dispose of nonconforming signs from public rights-of-way and other public lands with or without notice to and at the expense of the owner, builder or other parties responsible for placement of said sign.
- b. Illegal signs not located within a public right-of-way or on public lands:
 1. A sign that was not lawfully existing under the County's regulations prior to adoption of this Code shall, within 90 days of adoption of this Code, either (a) be removed or (b) be brought into conformance with all provisions of this Code.
 2. Failure to remove such illegal sign or bring it into conformance following 30 days notice to the owner or occupant of the property by the Development Services Director shall authorize the County to remove the sign at the expense of the owner or occupant of the property.

(5) Removal due to road improvements.

If a nonconforming sign must be removed due to a road improvement project, the Development Services Director may authorize the relocation of said sign to a new location that meets the setbacks, location, spacing or other provisions of the Sign Regulations Article of this Development Code.

- (6) Continuing maintenance of nonconforming signs.
- a. Nothing in this Subsection shall be deemed to prevent keeping nonconforming signs in good repair.
 - b. No repairs other than minor maintenance and upkeep of nonconforming signs shall be permitted except to make the sign comply with the requirements of this Development Code.
 - c. A nonconforming sign that has been declared by the County to be unsafe because of its physical condition shall not be repaired, rebuilt, or restored unless such repair or restoration will result in a sign that conforms to all applicable provisions of the Sign Regulations Article of this Code.

Article 2. - Use of Land and Structures

Sec. 201 - Purpose of Article 2.

This Article defines the zoning districts in the County and identifies the specific uses to which land and structures may be put in the various zoning districts, including certain uses or structures for which special approval is required in order to be allowed. In addition, this Article identifies specific uses within each zoning district to which restrictions may apply, which are presented in Article 3 of this Code.

Sec. 202 - Zoning Map.

The boundaries of the various zoning districts are shown on a map entitled "Official Zoning Map of Douglas County, Georgia" adopted on the date of adoption of this Development Code, and as amended thereafter from time to time.

202 (a) Official Zoning Map adopted.

- (1) The "Official Zoning Map of Douglas County, Georgia" (referred to in this Code as the "Zoning Map" is adopted as the Official Zoning Map and is hereby made a part of this Development Code, and all notations, references and other information shown on it shall be a part of this Development Code.
- (2) The Official Zoning Map as adopted at the time of adoption of this Development Code shall be identified as that map or series of maps signed by the Chairman in office at the time of adoption, and attested by the Clerk of the Board of Commissioners. A certified copy of the zoning map as originally adopted shall be kept on record in the County Clerk's office.
- (3) The Zoning Map as adopted and as may be amended by the Board of Commissioners from time to time sets forth the location of all zoning districts in the County.

202 (b) Amendments to the Zoning Map.

- (1) The Zoning Map, as adopted by the Board of Commissioners and amended from time to time by its action, shall be maintained and available in the Development Services Department. The map as amended from time to time by the Board of Commissioners may be kept in an electronic format from which printed copies can be produced.
- (2) No changes of any nature shall be made to the Official Zoning Map except in conformity with amendments to the map approved by the Board of Commissioners or by adoption of a new Official Zoning Map of Douglas County. Such amendments shall be spread upon the minutes of Douglas County and shall be available for public inspection.
- (3) All zoning district boundary changes and amendments to the Zoning Map shall be noted on the map maintained in the Development Services Department with the date of the zoning change or amendment and reference to the implementing ordinance.

202 (c) Determination of zoning district boundaries.

- (1) The boundaries of the districts as shown on the Zoning Map shall be determined on the basis of the legal descriptions or boundary surveys associated with approved zoning petitions, or, lacking such legal descriptions or surveys, on the basis of the location of the boundary as depicted on the Zoning Map along with any dimensions shown.

- (2) All property in the County is placed in the zoning districts as indicated on the Zoning Map, and no property shall be used except in accordance with the zoning designations on the Zoning Map and the provisions of this Code. Where uncertainty exists as to the boundaries of any zoning district, the following rules shall apply:
- a. Where a zoning district boundary line is shown as approximately following the County limits line, a militia district line, a land lot line, a lot line or the center line of a street, a county road, a state highway, a railroad right-of-way, or stream or drainage way, or such lines extended, then such lines shall be construed to be the zoning district boundary lines.
 - b. Where a zoning district boundary line is shown as being set back from a street, a county road, a state highway, a railroad right-of-way, or a stream or drainage way, and approximately parallel thereto, then such zoning district boundary line shall be construed as being at the scaled distance from the center line of the street, county road, state highway, railroad right-of-way, stream or drainage way, and as being parallel thereto.
 - c. Where a zoning district boundary line divides a lot, the location of the line shall be the scaled distance from the lot lines. In this situation, the requirements of the zoning district in which the greater portion of the lot lies shall apply to the balance of the lot except that such extension shall not include any part of a lot that lies more than 50 feet beyond the zoning district boundary line.
 - d. In the case of a double-frontage lot fronting on two separate streets that is divided by a zoning district boundary line approximately paralleling the streets, the restrictions of the zoning district in which each frontage of the through lot lies shall apply to that portion of the lot.

202 (d) Special conditions of previous zoning approvals retained.

All special conditions and special stipulations imposed as conditions of rezoning of property prior to adoption of the Zoning Map are hereby retained and reaffirmed, and shall continue in full force and effect until such time as the property is rezoned or the prior zoning action of the Board of Commissioners is amended through the rezoning process established by this Code.

Sec. 203 - Reserved

Sec. 204 - Zoning districts; established.

For purposes of this Development Code, the following Zoning Districts and Overlay Zoning Districts are established as listed in Table 2.1 along with the Zoning Map symbol and the Comprehensive Plan Future Land Use Map designation that is being implemented by the Zoning District.

Sec. 205 - Zoning districts; relationship to Comprehensive Plan.

205 (a) Application of the Comprehensive Plan.

The *Douglas County Comprehensive Plan* establishes appropriate land use character area categories and a range of preferred zoning districts, development intensities, composed of densities, floor area ratios, or similar measures, for each land area in the county. This Unified Development Code and the County's individual project approvals provide development standards, plan requirements and other factors that shall determine the development intensity of each project within the Comprehensive Plan range. The

County reserves the right to limit projects to intensities below the Comprehensive Plan's upper limits in order to ensure that all elements of the built environment, including land use, transportation, housing, energy, and infrastructure, work together to provide sustainable, green places for living, working, and recreation, with a high quality of life.

Sec. 206 - Zoning districts; conversion of previous districts.

Zoning districts as were established under the previous Zoning Ordinance of Douglas County are hereby renamed to the following zoning district names and designations under this Development Code, as shown on Table 2.2. All regulations, requirements and provisions of this Development Code applicable to a zoning district established under Sec. 204 of this Code shall apply to the previously named zoning district as shown on Table 2.2.

Table 2.1: Conversion of Previous Zoning Districts

Previous Zoning District Designation (prior to 2004)	Previous Zoning District Designation (2004 to 2020)	Zoning District Designation under this Code (2020 -)
AG Rural Agricultural	AG Rural Agricultural	AG Rural Agricultural
R-1 Residential-Agricultural	R-A Residential-Agricultural	R-A Residential-Agricultural
R-2 Single-Family Residential	R-LD Low Density Single-Family Residential	R-LD Low Density Single-Family Residential
R-3 Two-Family Residential	R-D Duplex (Two-Family) Residential	R-MD Medium Density Single-Family Residential
R-4 Single-Family Townhouse Residential	R-TC Townhouse Condominium Residential	R-HD High Density Single-Family Residential
R-5 Condominium Residential	R-TC Townhouse Condominium Residential	R-HD High Density Single-Family Residential
R-6 Multi-Family Residential	R-MF Multi-Family Residential	R-HD High Density Single-Family Residential
R-7 Mobile Home Residential	R-MH Manufactured Home Residential	R-MH Manufactured Home Residential
R-8 Mobile Home Park Residential	R-MH Manufactured Home Residential	R-MH Manufactured Home Residential

Previous Zoning District Designation (prior to 2004)	Previous Zoning District Designation (2004 to 2020)	Zoning District Designation under this Code (2020 -)
R-9 Medium Density Single-Family Residential	R-LD Low Density Single-Family Residential	R-LD Low Density Single-Family Residential
R-10 High Density Single-Family Residential	R-MD Medium Density Single-Family Residential	R-MD Medium Density Single-Family Residential
PUD Planned Unit Development	PUD Planned Unit Development	PUD Planned Unit Development
		Planned Residential District
OI-1 Low Density Office/Institutional	OI-L Low Density Office/Institutional	OI Office/Institutional
OI-2 High Density Office	OI-H High Density Office	OI Office/Institutional
C-1 Neighborhood Commercial	C-N Neighborhood Commercial	C-G General Commercial
	C-C Community Commercial	C-G General Commercial
C-2 General Commercial	C-G General Commercial	C-G General Commercial
C-3 Highway Commercial	C-H Heavy Commercial	C-H Heavy Commercial
C-4 Heavy Commercial	C-H Heavy Commercial	C-H Heavy Commercial
C-5 Commercial Amusement	C-R Regional Commercial	C-H Heavy Commercial
M-1 Light Industrial	LI Light Industrial	LI Light Industrial
M-1-R Restricted Light Industrial	LI-R Restricted Light Industrial	LI-R Restricted Light Industrial
M-2 Heavy Industrial	HI Heavy Industrial	HI Heavy Industrial
LUR Limited-Use Residential Overlay		

Previous Zoning District Designation (prior to 2004)	Previous Zoning District Designation (2004 to 2020)	Zoning District Designation under this Code (2020 -)
O-ED Estate Density Overlay	O-ED Estate Density Overlay	O-ED Estate Density Overlay-Legacy
EO Environmental Protection Overlay	O-EO Watershed Protection Overlay	O-EO Watershed Protection Overlay
GW Groundwater Recharge Area Protection	O-GW Groundwater Recharge Area Protection	O-GW Groundwater Recharge Area Protection
WP Wetlands Protection Overlay	O-WP Wetlands Protection Overlay	O-WP Wetlands Protection Overlay
QGD Quality Growth Development Overlay	O-QGD Quality Growth Development Overlay	O-QGD Quality Growth Development Overlay
	O-LF Landfill Overlay	O-LF Landfill Overlay
AH Airport Hazard	O-AH Airport Hazard Overlay	O-AH Airport Hazard Overlay
	Highway 92 Village Overlay	O-HC Highway Corridor Overlay
	Post Road Village Overlay	O-HC Highway Corridor Overlay
	Corridor Overlay	O-HC Highway Corridor Overlay
	Highway 78 Corridor Overlay	O-HC Highway Corridor Overlay

Sec. 207 - Zoning districts; purpose of each.

All lands in unincorporated Douglas County are included in one or another of the zoning districts established by this Development Code. Overlay districts, which provide additional requirements or restrictions on the portions of these zoning districts over which they are established, are found under Sec. 208 of this Article.

207 (a) AG Rural Agricultural.

The AG Rural Agricultural District is established to protect rural areas of Douglas County in which agriculture, farm operations, conservation lands and timber stands on parcels of 3 acres or more are the established land use pattern, and to provide an environment which encourages residents to continue to live and practice agricultural operations without adverse impact arising from more dense development.

207 (b) R-A Residential-Agricultural.

The R-A Residential-Agricultural District is established to protect and promote a suitable environment for rural or "large lot suburban" family life, agriculture including the raising of livestock and poultry, and the development of natural resources and other uses requiring extensive areas of land. This District is required to protect the future development of land in accordance with the Comprehensive Plan of the county as amended.

207 (c) R-LD Low Density Single-Family Residential.

The R-LD Single-Family Residential District is established to protect and promote a suitable environment for family life, to discourage any use which would generate other than normal residential area traffic on minor streets and to protect the orderly future development of land in accordance with comprehensive development plans for the county.

207 (d) R-MD Medium Density Single-Family Residential.

The R-MD Medium Density Single-Family Residential District is established to protect and promote a suitable environment for family life, to discourage any use which would generate other than normal residential area traffic on minor streets and to protect the future development of land in accordance with comprehensive development plans for the county.

207 (e) R-HD Residential - High Density

The R-HD Residential High Density District is established to protect and promote a suitable environment for family life, to discourage any use which would generate other than normal residential area traffic on minor collector streets, to meet the demands of two, three, four and multi-family residences, townhomes and condominiums and to protect the orderly future development of land in accordance with comprehensive development plans for the county. The intent of this district is to provide standards for higher density dwellings which will:

- (1) Encourage the provision of usable open space and recreation areas and a desirable living environment;
- (2) Be located primarily in areas near or adjacent to low-density or medium density residential use areas;
- (3) Be located so as to provide transition between single-family use areas and higher density dwelling areas and/or commercial areas;
- (4) Be located near such services as retail shopping and major thoroughfares and collector streets.

207 (f) R-MH Manufactured Home Residential.

The R-MH Manufactured Home Residential District is established to protect and promote a suitable environment for family life, to meet the need and demands for the development of manufactured home

residential areas and to protect the future development of land in accordance with comprehensive development plans for the county.

207 (g) PRD Planned Residential Development

The PRD district is established to protect and promote a suitable environment for family life and to encourage flexibility in meeting the needs of families through a mix of housing types and densities in accordance with the land use plan for the County with a development site of at least two acres and adjacent to or in proximity to municipal boundaries.

207 (h) PUD Planned Unit Development.

The PUD district is intended to permit the planning and development of parcels of land that are suitable in location and character for the uses proposed as unified and integrated developments in accordance with detailed development plans. The PUD district is intended to provide a means of accomplishing the following specific objectives: To provide for development concepts not otherwise allowed within non-PUD zoning districts; To provide flexibility, unity, and diversity in land planning and development, resulting in convenient and harmonious groupings of uses, structures and common facilities; To encourage innovations in quality residential, commercial, and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space; To lessen the burden of traffic on streets and highways; and To provide a procedure that can relate the type, design, and layout of residential, commercial, and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics.

207 (i) OI Office Institutional

The Office Institutional District is established to promote an office environment allowing low rise, mid-rise and high-rise office buildings and accessory retail uses. This zone is intended to be located in or adjacent to heavy concentrations of commercial or light industrial uses such as business districts or nodes, interchange areas, or industrial or office parks. The District also functions as a transitional zone from commercial and light industrial uses to less intensive uses such as single-family residential and multi-family uses.

207 (j) C-G General Commercial.

The C-G General Commercial District is established to protect and promote a suitable environment for those retail commercial uses that benefit from close proximity to each other. The District is intended to serve as the location of regional and sub-regional centers for retailing, finance, and professional and general office activities. Its primary purpose is to group their uses together in a compact area designed to accommodate pedestrian movement. General commercial areas are characterized by shopping centers containing department stores, big box retailers such as Home Depot and PetSmarts, discount clubs and retail and service establishments serving a wide market area. Commercial uses commonly found in neighborhood and community commercial areas also are found in general commercial areas.

207 (k) C-H Heavy Commercial.

The C-H Heavy Commercial District is established to protect and promote a suitable environment for those commercial uses that benefit from direct access to major streets or are located on major streets and thoroughfares that are classified as major arterial roads or interstate highways. Such uses commonly which generate loud noises and require large areas for open storage, or generate substantial motor vehicle traffic.

207 (l) PSP Public-Semi Public.

The PSP Public-Semi Public district is established to provide a district for public, quasi-public and semi-public uses, including government buildings, schools and publicly owned parks and recreation facilities, in accordance with the comprehensive plan for the county.

207 (m) LI Light Industrial.

The LI Light Industrial District is established to protect and promote a suitable environment for light industrial purposes, and uses that require both office and distribution facilities at the same site, as well as related and compatible commercial uses and appropriate accessory uses and including accessibility to major transportation facilities, availability of adequate utilities and other public services, and availability of large quantities of suitable land. Uses compatible with light industrial development are to be encouraged insofar as they are in accordance with comprehensive development plans for the county.

207 (n) LI-R Restricted Light Industrial.

The LI-R Restricted Light Industrial District is established to protect and promote a suitable environment for high quality, visually attractive, stable, light industrial, electronics and cyber research and development, data storage and administrative facilities and offices.

207 (o) HI Heavy Industrial.

The HI Heavy Industrial District is established to protect and promote a suitable environment for heavy industrial uses including accessibility to major transportation facilities, availability of adequate utilities and other public services, and availability of sufficient quantities of land to adequately support such establishments. Uses compatible with light and heavy industrial development are to be encouraged insofar as they are in accordance with the Comprehensive Plan of Douglas County.

Sec. 208 Overlay districts; generally and purposes of each.

As the name implies, overlay districts “over-lay” applicable base zoning district classifications to alter some or all of the base zoning district regulations that apply to particular sites. Overlay zoning districts work to modify or supplement the regulations imposed by base zoning district when necessary to address special situations or promote specific county planning goals. Overlay zoning is intended to be used when the base zoning district applied to an area remains generally appropriate, but when an additional, modified or eliminated requirement could help implement the county’s planning goals or address an area-specific planning, design or land use regulation issue. All applicable regulations of the underlying base zoning district and of this Development Code apply to property in an overlay district unless otherwise expressly stated in the overlay district regulations. When overlay district regulations conflict with regulations that otherwise apply in the underlying base zoning district or with regulations otherwise imposed by this Development Code, the more restrictive regulations govern.

208 (a) O-ED Estate Density Overlay District.

The O-ED overlay district is established to protect and promote a suitable environment for rural or "large lot suburban" family life, agriculture including the raising of livestock and poultry, and the development of natural resources and other uses requiring extensive areas of land. This overlay district is required to protect the future development of land in accordance with the comprehensive plan of the county as amended. See the Estate Density Regulations of the Lot and Building Standards Article of the code for provisions relating to the O-ED Overlay District.

208 (b) O-EO Watershed Protection Overlay.

The purpose of the O-EO Watershed Protection Overlay District is to establish measures to protect the quality and quantity of the present and future water supply of Douglas County, as well as the City of East Point and jurisdictions downstream from Douglas County; to minimize the transport of pollutants and sediment to the water supply; and to maintain the yield of water supply watersheds. The O-EO Watershed Protection Overlay District is composed of the following Watershed Protection Areas corresponding to the topographical features that delimit the drainage basins of the following respective creeks, rivers and reservoirs:

- (1) Dog River (sub-watershed A);
- (2) Dog River (sub-watershed B);
- (3) Bear Creek;
- (4) Anneewakee Creek;
- (5) Sweetwater Creek;
- (6) Sweetwater Creek/ East Point Basin sub-watershed;
- (7) Sweetwater Creek/ Sparks Reservoir Basin sub-watershed;
- (8) Hurricane Creek; and
- (9) Chattahoochee River Direct Drainage Basin (in areas not regulated by the Metropolitan River Protection Act).

See the Watershed Protection Division of the Environmental Protection Article of this Code for provisions relating to the O-EO Overlay.

208 (c) O-GW Groundwater Recharge Area Protection Overlay.

The O-GW Groundwater Recharge Area Protection Overlay District is established to protect the quality of groundwater by regulating land uses within significant groundwater recharge areas. This is necessary to protect the public health, safety, and welfare, particularly those persons and communities who rely on groundwater as their source of potable water supply

See the Groundwater Recharge Area Protection Division of the Environmental Protection Article of this Code for provisions relating to the O-GW Overlay.

208 (d) O-WP Wetlands Protection Overlay.

The O-WP Wetlands Protection Overlay District is established to promote the protection of wetlands in Douglas County, which are indispensable, fragile natural resources with significant development constraints due to flooding, erosion, and soils limitations. Furthermore, they provide habitat areas for fish, wildlife, and vegetation; water quality maintenance and pollution control; flood control; erosion control; opportunities for study and education; and open space and recreational opportunities.

See the Wetlands Protection Division of the Environmental Protection Article of this Code for provisions relating to the O-WP Overlay.

208 (e) O-QGD Quality Growth Development Overlay.

The O-QGD Quality Growth Development Overlay District is established to promote high quality development in areas of the county that are largely undeveloped but in the path of rapid, substantial residential, commercial, or industrial development that is anticipated will radically change the character of the lands within the District boundaries. This District is designed to encourage high quality development by establishing restrictions and standards to protect the natural environment, promote optimum development, and so that investment values will be maximized and will not be endangered by unsightly, undesirable, or incompatible developments springing up on adjacent properties in the foreseeable future.

See the Quality Growth Development District Standards Section of the Lot and Building Standards Article of this Code for provisions relating to the O-QGD Overlay.

208 (f) O-LF Landfill Overlay.

The O-LF Landfill Overlay District is established in order to protect properties near existing or previously closed solid waste disposal facility from well-water contamination and from the buildup of methane gas within enclosed buildings. It is the intent of this overlay district to maintain compliance with requirements imposed by the Georgia Department of Natural Resources, Environmental Protection Division (Chapter 391-3-4, Solid Waste Management).

208 (g) O-AH Airport Hazard Overlay.

The O-AH Airport Hazard Overlay District is established to provide areas to be used as either public or private airfields, and to create compatible use zones. See the Airport Zone Restrictions Division of the Restrictions on Particular Uses Article of this Code for provisions relating to the O-AH Overlay.

208 (h) O-HC Highway Corridor Overlay

The O-HC Highway Corridor Overlay district is intended to accommodate and promote high- quality, well-designed development that is in keeping with the existing and desired character of the county's major highway corridor areas. The overlay is further intended to ensure consistency with the Douglas County comprehensive plan and with other adopted plans and policies of the county.

See the Highway Corridor Overlay District Standards Section the Lot and Building Standards Article of the code for provisions relating to the O-HC, Highway Corridor.

Sec 208(i) Master Planned Developments and Mixed Use Master Plan Overlay (legacy)

Projects approved as a special use permit as a Master Planned Development or Mixed use Master Plan Development prior to December 5, 2020 may continue to develop in accordance with the conditions, stipulations, regulating documents, and concept plans approved under the special use permit. No new Master Planned Developments or Mixed Use Master Plan Developments will be approved by special use permit after December 5, 2020.

Sec. 209 - Reserved.

Sec. 210 - Uses allowed in each zoning district.

This Section identifies the uses that are allowed by right or by Special Use approval in each of the zoning districts and uses to which certain restrictions apply.

210 (a) Allowed principal and accessory uses.

- (1) A Principal Use is the specific, primary purpose for which land or a building is used.
- (2) An Accessory Use is a use that is permitted on a property in conjunction with a principal use. An accessory use is incidental to the principal use and would not exist independent of the principal use.
- (3) Principal uses that are allowed by right or allowed only by Special Use approval in each zoning district are shown on the following Table 2.2. Accessory uses that are allowed in conjunction with a principal use are shown on Table 2.3.

210 (b) Restrictions on particular uses.

Requirements that apply to certain uses are listed in the Restrictions on Particular Uses Article of this Code (Article 3). For those uses that have specific restrictions associated with them, a reference is given on the two tables to the pertinent Section in Article 3. The provisions of Division 1 of Article 3 that apply to development in general, Division III, Airport Zone Restrictions, and Division IV, Prohibited Uses, however, are not indicated in either of the two tables.

210 (c) Special Uses.

Principal uses that are Special Uses may be granted subject to Special Use approval procedures as set forth in the Procedures and Permits Article of this Code.

210 (d) Prohibited uses.

- (1) Any principal use not shown on the following Table 2.2 as allowed in a zoning district, whether by right or with approval as a Special Use or as a use permitted with restrictions, is specifically prohibited.
- (2) Any accessory use not shown on the following Table 2.3 as allowed in a zoning district, whether by right or with approval as a Special Use or as a use permitted with restrictions, is specifically prohibited.
- (3) In addition, uses, products and manufacturing processes that are specifically prohibited in all zoning districts are listed in Division IV of Article 3.

- (4) No person shall discharge a firearm within five hundred feet (500') of a residential structure, except for personal protection and the protection of property.

210 (e) Interpretation of uses.

- (1) In addition to other generally accepted references and resources, the North American Industrial Classification System (NAICS), published by the U.S. Department of Commerce (2017 edition), may be referred to in order to interpret the definition of uses listed on Table 2.2 and Table 2.3 and to identify similar uses that may be allowed along with each listed use. The NAICS classification number is shown on the tables for each applicable use for reference and interpretation only; the NAICS is not adopted as part of this Code.
- (2) The NAICS assigns classification numbers to businesses and industries based on the primary business activity in which the company is engaged. While business activity usually corresponds to land use type, and therefore can be easily assigned to appropriate zoning districts, there are exceptions. Some businesses may be primarily engaged in a certain industry—such as telecommunications, for instance, like BellSouth—but individual locations host notably different activities. For a company like BellSouth, for instance, different facilities may include retail stores for telephones, offices for administrative functions, satellite and exchange switching stations, and repair and installation staging lots where heavy equipment vehicles, telephone poles, wire spools and materials are stored. As a result, interpretation is occasionally needed for an individual use, regardless of the business activity in which the parent company is engaged.
 - a. If no NAICS classification number is shown on the table, there is no corresponding category to the land use listed. The use may be residential in nature (there are no NAICS categories for residences) or may be a land use activity not generally recognized as a business activity or industry type.
 - b. In all cases of uncertainty, the determination of whether or not a particular use is allowed in a particular zoning district shall reflect the purpose of the zoning district as stated in this Article, both the common and dictionary definitions of the use, and the array of listed uses that are allowed in the district as to their character and intensity.

210 (f) Tables

Table 2.2 organizes the various principal uses under the following headings:

- Agriculture, Forestry, Fishing and Hunting
- Residential Uses
- Administrative and Professional Offices
- Commercial Services
- Arts, Entertainment and Recreation
- Retail Trade
- Manufacturing, Wholesaling and Warehousing
- Transportation, Communications and Utilities
- Public and Institutional Uses

Table 2.3 presents the various accessory uses allowed in each zoning district.

O-HC, Highway Corridor Overlay explanation. Table 2.2 and 2.3 present principal and accessory uses that are allowed by right or allowed only by Special Use approval within all the base zone districts. When looking at the O-HC, Highway Corridor Overlay District, the following information applies. Allowable uses are represented by a “B” where a use is allowed only if it is permitted in the base zone district (that means it could be by right or by special use in the base district-but it would be likewise allowed in the O-HC). An “S” appears if the use is allowed by special use approval regardless of the base zone district designation. If no designation appears, the use is not permissible within the highway corridor overlay boundary regardless of whether it is permissible in any base zone district.

Table 2.2: List of Principal Uses Allowed by Zoning District

I	P	Use is Allowed by Right in the District Indicated
	•	Use is Allowed with Restrictions (see Section indicated)
	S	Use Requires Special Use Approval
	B	Use is Permitted only if allowed by base district
		Use is not Allowed if no symbol appears

NAICS Code	PRINCIPAL USES	AG	R-A	R-LD	R-MD	R-HD	R-MH	PRD	OI	C-G	C-H	PSP	LI	LI-R	HI	O-HC	See Also:
	Agriculture, Forestry, Fishing and Hunting																
111	Crop Production, except Greenhouse, Nursery, and Floriculture Production	P	P													B	
1114	Crop Production: Greenhouse, Nursery, and Floriculture Production	P	P	S												B	
	Animal Production:																
1121	Cattle Ranching and Farming, except Feedlots	•	S													B	§ 319
112112	Cattle Feedlots	•	S													B	§ 319
112120	Dairy Cattle Farming	•	S													B	§319 §302
1122	Hog and Pig Farming	•	S													B	§319 §302
1123	Poultry and Egg Production	•	S													B	§319 §302
1124	Sheep and Goat Farming	•	S													B	§319 §302
1125	Animal Aquaculture	•	S													B	§319 §302
1129	Other Animal Production, such as Horses, Bees, Rabbits, etc.	•	S													B	§319 §302
113	Forestry and Logging	•	•													B	§ 312
114	Commercial Fishing, Hunting and Trapping	P	P													B	

NAICS Code	PRINCIPAL USES	AG	R-A	R-LD	R-MD	R-HD	R-MH	PRD	OI	C-G	C-H	PSP	LI	LI-R	HI	O-HC	See Also:
1151	Support Activities for Crop Production	P	P													B	
1152	Support Activities for Animal Production	P	P													B	
1153	Support Activities for Forestry	P	P													B	
42259	Livestock Sale Pavilion and Auction Facility	S	S										P		P	B	
	Residential Uses																
	Single-Family Detached: Site-Built or Modular Home	P	P	P	P		P	P								B	§ 307
	Single-Family Detached: Manufactured Home	•	•				•									B	§ 337
	Single-Family Attached: Duplex				P			P								B	
	Single-Family Attached: Townhomes / Condominium					P		P								B	
	Multi-Family					P		P								B	
	Fraternity & Sorority Houses								S	S	S					B	
	Mixed-Use Dwelling, including Lofts							P	S	S	S					B	
	Build-to-Rent Communities			S	S	P		S									§ 353
	Nursing and Residential Care Facilities:																
6231	Nursing Care Facilities							S	S	S	S					B	§ 340
6232	Residential Mental Retardation, Mental Health and Substance Abuse Facilities							S	S	S	S					B	
6233	Retirement Community				P			P	P							B	
623990	Residential Care Facility (up to 6 under care)	S	S	S	S	S		S								S	§ 340
	Subdivisions:																

NAICS Code	PRINCIPAL USES	AG	R-A	R-LD	R-MD	R-HD	R-MH	PRD	OI	C-G	C-H	PSP	LI	LI-R	HI	O-HC	See Also:
	Minor Subdivision: Recombination, Re-subdivision, Nondevelopment Lot Sales, 2-Lot through 5-Lot Split, Large Lot, and Subdivision Exemptions	•	•	•	•	•	•	•	•	•	•	•	•	•	•	B	§ 502 (a)
	Manufactured Home Subdivision						•									B	§ 337
	Manufactured Home Park						S									B	§ 336
	Conventional Residential Subdivision	P	P	P	P	P	P	P								B	
	Conservation Residential Subdivision – cluster option	S	S	S												B	§ 511
	Conservation Residential Subdivision – large lot option	P	P	P												B	§ 511
	Planned Unit Development	P	P	P	P	P	P	P	P	P	P	P	P	P	P	B	§ 506
	Office, Commercial & Industrial Planned Centers								P	P	P		P	P	P	B	
	Administrative and Professional Offices																
55	Corporate Management Offices								P	P	P		P	P	P	B	
5111	Newspaper, Periodical, Book, and Database Publishers								P	P	P		S	S	S	B	
5112	Software Publishers								P	P	P		S	S	S	B	
51223	Music Publishers								P	P	P		S	S	S	B	
519190	All Other Information Services: On-Line Information Services								P	P	P		S	S	S	B	
5222	Credit Card Issuing and Sales Financing								P	P	P		S	S	S	B	
52231	Mortgage and Nonmortgage Loan Brokers								P	P	P		S	S	S	B	
52232	Financial Transactions Processing, Reserve, and Clearinghouse Activities								P	P	P		S	S	S	B	
52239	Mortgage Servicing and Other								P	P	P		S	S	S	B	

NAICS Code	PRINCIPAL USES	AG	R-A	R-LD	R-MD	R-HD	R-MH	PRD	OI	C-G	C-H	PSP	LI	LI-R	HI	O-HC	See Also:
	Activities Related to Credit Intermediation																
523	Financial Investments and Related Activities, such as Portfolio Management and Investment Advice, and Securities and Commodity Brokerages.								P	P	P		S	S	S	B	
5241	Insurance Carriers								P	P	P		S	S	S	B	
525	Funds, Trusts, and Other Financial Vehicles								P	P	P		S	S	S	B	
4541	Electronic Shopping and Mail-Order Houses									P	P		S	S	S	B	
4543	Direct Selling Establishments, except Fuel Dealers									P	P					B	
5411	Lawyers, Notaries and Other Legal Services								P	P	P					B	
5412	Accounting, Tax Preparation, Bookkeeping, and Payroll Services								P	P	P		P	P	P	B	
5413	Architectural, Engineering, Surveying and Related Services								P	P	P		P	P	P	B	
5414	Interior Design, Graphic Design and other Specialized Design Services								P	P	P		P	P	P	B	
54143	Art Studio								P	P	P		S	S	S	P	
5416	Management, Scientific, and Technical Consulting Services, including Executive Search and Management Consulting								P	P	P		P	P	P	B	
54171	Research and Development in the Physical, Engineering, and Life Sciences								S	P	P		P	P	P	B	
54172	Research and Development in the Social Sciences and Humanities								P	P	P					B	

NAICS Code	PRINCIPAL USES	AG	R-A	R-LD	R-MD	R-HD	R-MH	PRD	OI	C-G	C-H	PSP	LI	LI-R	HI	O-HC	See Also:
6211	Medical Offices of Physicians								P	P	P					B	
6212	Medical Offices of Dentists								P	P	P					B	
6213	Medical Offices of Health Specialists								P	P	P					B	
6215	Medical and Diagnostic Laboratories								S	P	P		P	P	P	B	
54194	Veterinary Services, including Animal Hospitals								S	P	P					B	§ 319
7113	Promoters of Performing Arts, Sports, and Similar Events								P	P	P		P	P	P	B	
7114	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures								P	P	P		P	P	P	B	
	Commercial Services																
	<i>Finance, Insurance and Real Estate Services:</i>																
5221	Banks, Credit Unions and Savings Institutions								P	P	P					B	
522298	All Other Non-Depository Credit Intermediation (Pawnshops)										P		P			S	
5242	Insurance Agencies, Brokerages, and Other Insurance Related Activities								P	P	P					B	
531	Real Estate Office							P	P	P	P					B	
	<i>Day Care Services:</i>																
6244	Group Day Care Facility (18 or fewer persons in care)								•	•	•					B	§ 328
6244	Day Care Center (more than 18 persons in care)								•	•	•					B	§ 328
7221	<i>Traveler Accommodation/Transient Lodging:</i>																
72111	Hotels and Motels									S	S					S	§ 318
721191	Bed-and-Breakfast Inns / Country	S	S					S	S	S	S					S	§ 318

NAICS Code	PRINCIPAL USES	AG	R-A	R-LD	R-MD	R-HD	R-MH	PRD	OI	C-G	C-H	PSP	LI	LI-R	HI	O-HC	See Also:
	Inns																
	Vacation Rental Homes: VRBO, AirBnB, ADU Short-Term Rental	S	S	S	S	S		S								S	§ 318
721310	Rooming and Boarding Houses,	S	S					S		S	S					S	§ 318
	Dormitories and Worker Camps	S	S													S	§ 318
	Automotive Repair and Maintenance:																
811111	General Automotive Repair (except busses & trucks)										•		•		•	S	§ 317
811111	Heavy Truck or Bus Repair Shops, general												•		•	S	§ 317
811112	Automotive Exhaust System Repair										•		•		•	S	§ 317
811113	Automotive Transmission Repair										•		•		•	S	§ 317
811121	Automotive Body, Paint, and Interior Repair and Maintenance										S		•	•	•	S	§ 317
811122	Automotive Glass Replacement Shops										•		•	•	•	S	§ 317
811191	Automotive Oil Change and Lubrication Shops										•		•	•	•	S	§ 317
811192	Car Washes – Manned-full-service										S		S	S	S	B	§ 322
811192	Car Washes - Self-Serve										S		S	S	S		§ 322
	Other Repair and Maintenance Services:																
8112	Electronic and Precision Equipment Repair and Maintenance									P	P		P	P	P	B	

NAICS Code	PRINCIPAL USES	AG	R-A	R-LD	R-MD	R-HD	R-MH	PRD	OI	C-G	C-H	PSP	LI	LI-R	HI	O-HC	See Also:
8113	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic, and Welding Shops) Repair and Maintenance												P	P	P	B	
811310	Welding Repair Services and Shops												P	S	P	B	
811411	Home and Garden Equipment Repair and Maintenance									P	P		P	P	P		
811412	Home Appliance Repair and Maintenance									P	P		P	P	P		
81142	Reupholstery and Furniture Repair and Maintenance									P	P		P	P	P		
81143	Shoes and Leather Goods Repair and Maintenance									P	P		P	P	P		
81149	Personal and Household Goods, including jewelry, garments, watches, musical instruments and bicycles Repair and Maintenance									P	P		P	P	P		
	Personal Care Services:																
812111	Barber Shops								S	P	P					B	
812112	Beauty Salons								S	P	P					B	
812113	Nail Salons								S	P	P					B	
812191	Diet and Weight Reducing Centers									P	P					B	
81299	Personal Services not listed above (except astrologers, dating services, escort services, fortune telling, introduction services, numerology services, palm reading, psychics, phrenology services, social escort services)									P	P					B	
812199	Other Personal Care Services								P	P	P					B	

NAICS Code	PRINCIPAL USES	AG	R-A	R-LD	R-MD	R-HD	R-MH	PRD	OI	C-G	C-H	PSP	LI	LI-R	HI	O-HC	See Also:
	Dry-cleaning and Laundry Services:																
81231	Coin-Operated Laundries and Drycleaners									P	P						
81232	Dry-cleaning and Laundry Drop-Off Station									P	P					B	
81232	Dry-cleaning and Laundry Services (except Coin-Operated)									P	P		P	P	P		
812331	Linen and Uniform Supply									P	P		P	P	P		
812332	Industrial Launderers												S	S	P		
	Health Related Services:																
6216	Home Health Care Services								S	P	P		P	P			
621910	Ambulance Services									S	P		P	P			Chapter 8 Code of Ordinances
621991	Blood and Organ Banks										S		P	P			
	Other Personal Services:																
81221	Funeral Homes without Crematory							P	P	P	P					B	
81291	Pet Care, Grooming, Training, Pet Sitting, and Boarding and Dog Kennels (except Veterinary Services)	S	S							P	P		P			B	§ 319
81291	Non-Profit Animal Rescue Corporation	•	•										•	•		B	§ 319
812921	Photofinishing Laboratories (except One-Hour)									P	P						
812922	Photofinishing, One-Hour									P	P						
81293	Automobile Parking Lots and Garages								S	P	P		P		P		
81299	Personal Services not listed above									P	P						
	Rental and Leasing Services:																

NAICS Code	PRINCIPAL USES	AG	R-A	R-LD	R-MD	R-HD	R-MH	PRD	OI	C-G	C-H	PSP	LI	LI-R	HI	O-HC	See Also:
531120	Convention Center									•	•					B	§ 325
53211	Passenger Car Rental and Leasing										P		P			B	
53212	Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing										P		P			B	
53221	Consumer Electronics and Appliances Rental									P	P					B	
532281	Formal Wear and Costume Rental									P	P					B	
532282	Video Rental								S	P	P					B	
532283	Home Health Equipment Rental								P	P	P		P	P		B	
532284	Recreational Goods Rental									P	P						
532299	All Other Consumer Goods Rental									P	P		P	P			
532310	General Rental Centers									P	P		P	P			
53241	Construction, Transportation, Mining, and Forestry Machinery and Equipment Rental and Leasing												S		P		
532420	Office Machinery and Equipment Rental and Leasing										P		P		P		
53249	Computers, Medical and Other Commercial and Industrial Machinery and Equipment Rental and Leasing												P		P		
	Business Support Services:																
561410	Document Preparation Services								P	P	P					B	
561421	Telephone Answering Services								P	P	P					B	
561422	Telemarketing Bureaus								P	P	P					B	
56143	Business Service Centers								P	P	P					B	
56143	Business Service Centers								P	P	P					B	
56144	Collection Agencies								P	P	P					B	

NAICS Code	PRINCIPAL USES	AG	R-A	R-LD	R-MD	R-HD	R-MH	PRD	OI	C-G	C-H	PSP	LI	LI-R	HI	O-HC	See Also:
56145	Credit Bureaus								P	P	P					B	
561491	Repossession Services									S	P		P		P	B	
561492	Court Reporting and Stenotype Services								P	P	P					B	
561499	All Other Business Support Services								P	P	P					B	
	Other Business Services:																
323111	Photocopying and Duplicating Services (instant printing)									P	P					B	
4922	Couriers and Messengers, Local Delivery								P	P	P		P	P		B	
519110	News Syndicates								P	P	P					B	
518210	Data Processing Services								P	P	P		P	P		B	
53111	Real Estate Rental or Leasing Office (Residential)								P	P	P					B	
54151	Computer Systems Design and Related Services								P	P	P					B	
5418	Advertising, Public Relations and Related Services								P	P	P		P	P	P	B	
54191	Marketing Research and Public Opinion Polling								P	P	P		P	P	P	B	
54192	Photographic Studios and Commercial Photography								P	P	P		P	P	P	B	
54193	Translation and Interpretation Services								P	P	P		P	P		B	
5611	Office Administrative Services								P	P	P		P	P		B	
5612	Office Facilities Support Services								P	P	P		P	P		B	
5613	Employment Placement and Temporary Help Services								P	P	P		P	P		B	
5615	Travel Agencies, Tour Operators, and Convention and Visitors Bureaus								P	P	P		P	P		B	
56191	Packaging and Labeling Services									P	P		P	P		B	

NAICS Code	PRINCIPAL USES	AG	R-A	R-LD	R-MD	R-HD	R-MH	PRD	OI	C-G	C-H	PSP	LI	LI-R	HI	O-HC	See Also:
	Investigation and Security Services:																
561611	Investigation Services								P	P	P					B	
561612	Security Guards and Patrol Services								P	P	P		P	P		B	
561613	Armored Car Services										P		P	P	P	B	
56162	Security Systems Services								P	P	P		P	P	P	B	
561622	Locksmith Shops									P	P		P	P	P	B	
	Services to Buildings and Dwellings:																
56171	Exterminating and Pest Control Services								P	P	P		P	P	P	B	§ 313(d)(f)
56172	Janitorial Services										P		P	P	P	B	
56173	Landscaping Services										P		P	P	P	B	
56174	Carpet and Upholstery Cleaning Services										P		P	P	P	B	
56179	Swimming Pool, Duct, Gutter and Drain Cleaning, and Other Services to Buildings and Dwellings										P		P	P	P	B	
	Construction Services:																
23	Construction Contractors, Builders and Developers, office only							P	P	P	P		P	P	P	S	§ 305
23	Construction Contractors, Builders and Developers, with outdoor storage									S	S		•	•	•	S	§ 305
61	Educational Services: Private Schools & Personal Enrichment																
6114	Business Schools and Computer and Management Training								S	P	P	S	P	P	P	B	
6115	Technical and Trade Schools								S	P	P		P	P	P	B	

NAICS Code	PRINCIPAL USES	AG	R-A	R-LD	R-MD	R-HD	R-MH	PRD	OI	C-G	C-H	PSP	LI	LI-R	HI	O-HC	See Also:
61161	Fine Arts Schools (Art, Drama, Music and Dance Studios)								P	P	P		P	P		B	
611620	Sports and Recreation Instruction	S	S							P	P	S	P	P		B	
61163	Language Schools								P	P	P	S		P		B	
611691	Exam Preparation and Tutoring								P	P	P	S		P		B	
611692	Automobile Driving Schools								P	P	P	S		P		B	
6117	Educational Support Services								P	P	P	S		P		B	
6243	Job Training and Vocational Rehabilitation Services	S							P	P	P	S		P		B	
	Arts, Entertainment and Recreation																
519120	Libraries and Archives								P	P	P	S				B	
7111	Performing Arts Theaters: Drama, Dance, Music									P	P	S	S	S		B	
711510	Independent Artists, Writers and Performers Studios, except Taxidermists								P	P	P		P	P		B	
711510	Taxidermists										P		P		P	B	
541430	Commercial Artist's Studios								P	P	P		P	P	P	S	
71211	Museums and Historical Sites	S	S						P	P	P	S	P	P	P	B	
71213	Zoos and Botanical Gardens	S									P	S	P			B	
71219	Nature Parks	S	S	S	S	S		S				S				B	§ 347
512131	Motion Picture Theaters (except Drive-Ins)									P	P	S				S	
512132	Motion Picture Theaters, Drive-In										S		S			S	§ 329
711211	Stadiums, Coliseums, Arenas, Amphitheaters	S	S							S	S		S		S		§ 347
	Spectator Sports:																
711212	Racetracks												S		S		§ 347
711219	Other Spectator Sport Facilities											S	S	S	S		§ 347

NAICS Code	PRINCIPAL USES	AG	R-A	R-LD	R-MD	R-HD	R-MH	PRD	OI	C-G	C-H	PSP	LI	LI-R	HI	O-HC	See Also:
71311	Amusement and Theme Parks										S	S	S	S	S		§ 347
71312	Amusement Arcades									S	S						
	Amusement and Recreation Uses, Other:																
71391	Golf Courses and Country Clubs	•	•	•	•	•		S	S	S	S	S	S			B	§ 332
71393	Marinas	S	S								S		S				
71394	Fitness and Recreational Sports Centers, Health Clubs							S	S	P	P					B	
71394	Ice- or Roller-Skating Rink									P	P		P	P		B	
71394	Tennis Courts									P	P					B	
71395	Bowling Centers									P	P					B	
713990	Billiard and Pool Halls									P	P					S	
713990	Miniature Golf									P	P					B	
713990	Golf Driving Range									P	P					B	
713990	Riding Stables	•	•													B	§ 302, § 319
713990	Community Recreation Facility (non-profit) including YMCA, Senior Centers, Area-wide Recreation Center	S	S							S	S					B	§ 326 (a)
713990	Neighborhood Recreation Centers, including Private Playgrounds, Tennis courts, Pools or Other Recreation Amenities, with or without Accessory Food and Beverage Sales		•	•	•	•	•									B	§ 308 (a), § 326 (b), § 336(f)
713990	Private Parks, Playgrounds and Other Open Space Amenities, including Squares, Greens and Pocket Parks		P	P	P	P	P									B	
713990	Amusement and Recreation Uses not listed above	S	S								S		S	S		B	

NAICS Code	PRINCIPAL USES	AG	R-A	R-LD	R-MD	R-HD	R-MH	PRD	OI	C-G	C-H	PSP	LI	LI-R	HI	O-HC	See Also:
	Retail Trade																
	Motor Vehicle and Parts Dealers:																
441110	New Car Dealers										P		P			B	§ 320
441120	Used Car Dealers										S		S			B	§ 320
44112	New and Used Auto Brokers - Office Only									P	P		P	P		B	§ 321
441210	Recreational Vehicle Dealers										S		P			S	§ 320
441122	Motorcycle Dealers										P		P			S	§ 320
441222	Boat Dealers										P		P			S	§ 320
4412	Other Motor Vehicle Dealers										S		S				§ 320
441310	Automotive Parts, Accessories No Service Bays									P	P		P			B	§ 317/320
441310	Automotive Parts, Accessories - With Service Bays										P		P			B	§ 317/320
441320	Tire Dealers										S		S				§ 317/320
326212	Used Tire Store (recaps/retreads)										S		S				§ 317/320
	Electronics and Appliance Stores:																
423620	Household Appliance Stores									P	P					B	
443142	Radio, Television, and Other Electronics Stores									P	P					B	
443142	Computer and Software Stores									P	P					B	
443142	Camera and Photographic Supplies Stores									P	P					B	
	Building Material and Supplies Dealers:																
444110	Home Centers									P	P					S	§ 304/305
44412	Paint and Wallpaper Stores									P	P					B	§ 304/305
444130	Hardware Stores									P	P					B	§ 304/305
44419	Lumber Yards										S		P		P	S	§ 304/305
44419	Heating and Plumbing Equipment										S		P			S	

NAICS Code	PRINCIPAL USES	AG	R-A	R-LD	R-MD	R-HD	R-MH	PRD	OI	C-G	C-H	PSP	LI	LI-R	HI	O-HC	See Also:
44419	Electrical Supply										S		P			S	
44419	Glass Stores										S		P			S	
444190	Other Building Material Dealers										S		P			S	§ 304/305
	Lawn and Garden Equipment and Supplies Stores:																
44421	Outdoor Power Equipment Stores										P		P			S	§ 304/305
44422	Nursery and Garden Centers									S	P		P	P		B	§ 304/305
	Food and Beverage Stores:																
44511	Supermarkets and Other Grocery (except Convenience) Stores									P	P					B	
44512	Convenience Food Stores without fuel pumps									S	S					B	
455211	Warehouse clubs, superstores, or supercenters									S	S					B	
455219	Small Box Discount Stores (Dollar-type stores)									S	S					B	§ 314
4452	Specialty Food Stores, including Meat, Fish, Fruit and Vegetable Markets, Candy Stores									P	P					B	
4453	Beer and Wine Sales									P	P					B	Article III Code of Ordinances
311811	Retail Bakeries and Pastry Shops									P	P					B	
	Health and Personal Care Stores:																
44611	Pharmacies and Drug Stores									P	P					B	
44612	Cosmetics, Beauty Supplies, and Perfume Stores									P	P					B	
44613	Optical Goods Stores									P	P					B	
446191	Food (Health) Supplement Stores									P	P					B	
	Gasoline Stations:																

NAICS Code	PRINCIPAL USES	AG	R-A	R-LD	R-MD	R-HD	R-MH	PRD	OI	C-G	C-H	PSP	LI	LI-R	HI	O-HC	See Also:
4471	Gasoline Stations, Full Service									S	S		S	S		B	§ 331
44711	Gasoline Stations with Convenience Stores, no repairs										S		S	S		B	§ 331
44719	Truck Stops and Other Gasoline Stations												S		S		§ 331
	<i>Clothing and Clothing Accessories Stores:</i>																
4481	Clothing Stores									P	P					B	
4482	Shoe Stores									P	P					B	
44831	Jewelry Stores									P	P					B	
44832	Luggage and Leather Goods Stores									P	P					B	
	<i>Sporting Goods, Hobby, Book, and Music Stores:</i>																
45111	Sporting Goods Stores and Bicycle Shops									P	P					B	
45112	Hobby, Toy, and Game Stores									P	P					B	
45113	Sewing, Needlework, and Piece Goods Stores									P	P					B	
45114	Musical Instrument and Supplies Stores									P	P					B	
451211	Book Stores									P	P						
451212	News Dealers and Newsstands									P	P					B	
453142	Prerecorded Tape, Compact Disc, and Record Stores									P	P					B	
452	General Merchandise and Department Stores									P	P					B	
	<i>Miscellaneous Retailers:</i>																
442	Furniture and Home Furnishings Stores									P	P						
4531	Florists								P	P	P					B	

NAICS Code	PRINCIPAL USES	AG	R-A	R-LD	R-MD	R-HD	R-MH	PRD	OI	C-G	C-H	PSP	LI	LI-R	HI	O-HC	See Also:
45321	Office Supplies and Stationery Stores								P	P	P					B	
45322	Gift, Novelty, and Souvenir Stores								P	P	P					B	
4533	Used Merchandise Stores									P	P		P	P		S	
45331	Used Merchandise Stores Including Antique Shops									P	P		P	P		S	
45391	Pet and Pet Supplies Stores									P	P					B	
45392	Art Dealers								P	P	P					B	
45393	Manufactured (Mobile) Home Dealers										S		S	S			
453991	Tobacco Stores								P	P	P						
453998	Accessory Utility Structures, Prefabricated Sheds and Gazebo Dealers										P		P	P			
453998	Farm Equipment and Implements										P		P				
453998	Auction House										S		P		P		
	Temporary Events and Other Direct Selling Establishments																
454390	Roadside Produce Stand	P	P	P						P	P						§ 348
454390	Revival Tent	P	P	P						P	P		P				§ 348
454390	Seasonal Business Use	P	P	P						P	P		P				§ 348
454390	Special Indoor/Outdoor Event	P	P	P						P	P		P				§ 348
454390	Agricultural Related Activities	P	P														§ 348
454390	All Other Temporary Events	P	P	P	P	P	P	P	P	P	P		P				§ 348
454390	Swap Meets, Flea Markets, Craft Shows and Farmers' Markets	P	P							P	P		P				§ 348 and Chapter 12 Code of Ordinances
	Food Services and Drinking																

NAICS Code	PRINCIPAL USES	AG	R-A	R-LD	R-MD	R-HD	R-MH	PRD	OI	C-G	C-H	PSP	LI	LI-R	HI	O-HC	See Also:
	Places																
722511	Restaurants, Full-Service, Family Restaurants								P	P	P					B	
722511	Restaurants, Full-Service, Quality Restaurants								P	P	P					B	
722513	Restaurants, Limited-Service, including Fast Food and Take-Out, with drive-through windows.										P					B	
722513	Restaurants, Limited-Service, including Cafeterias, Fast Food and Take-Out, without drive-through windows.									P	P					B	
722515	Restaurants, Specialty (e.g., ice cream, frozen yogurt, candy, cookies) with or without drive through								P	P	P					B	
445210	Delicatessens, Baked Ham Stores, Butcher shops, Meat Markets, Poultry Dealers									P	P					B	
722310	Caterers and Other Food Contractor Services									P	P		P	P		B	
7224	Bars, Taverns and Other Drinking Places, Tap Rooms, Lounges (Alcoholic Beverages)									P	P						Chapter 3 Code of Ordinances
	Manufacturing, Wholesaling and Warehousing																§ 313(d)(1)
311	Food Manufacturing, except Animal Slaughtering and Retail Bakeries												P	P	P		
3116	Food Manufacturing: Animal Slaughtering and Processing														P		
312	Beverage and Tobacco Product Manufacturing												P	P	P		
313	Textile Mills														P		
314	Textile Product Mills												P	P	P		

NAICS Code	PRINCIPAL USES	AG	R-A	R-LD	R-MD	R-HD	R-MH	PRD	OI	C-G	C-H	PSP	LI	LI-R	HI	O-HC	See Also:
315	Apparel Manufacturing, except Dressmakers and Tailors												P	P	P		
31521	Dressmakers and Tailors								P	P	P		P	P			
316	Leather and Allied Product Manufacturing, Except Leather and Hide Tanning and Finishing														P		
3161	Leather and Hide Tanning and Finishing																§ 356
321	Wood Product Manufacturing, except Sawmills and Wood Preservation												P	P	P		
3211	Sawmills and Wood Preservation																§ 356
322	Paper Manufacturing, except Finished Stationery Products																§ 356
32223	Paper Manufacturing: Finished Stationery Product Manufacturing												P	P	P		
323	Printing and Related Support Activities, except Photocopying and Duplicating Services (instant printing)									P	P		P	P	P		
32411	Petroleum Refining																§ 356
32412	Petroleum and Coal Products: Asphalt Paving, Roofing, and Saturated Materials Manufacturing														S		§ 315
325	Chemical Manufacturing, except Pharmaceutical and Medicine Manufacturing, and Explosives																§ 356
3254	Chemical Manufacturing: Pharmaceutical and Medicine												P	P	P		
325920	Chemical Manufacturing: Explosives																§ 356
3261	Plastics Product Manufacturing												P	P	P		
3262	Rubber Product Manufacturing, except Tire Manufacturing												P	P	P		

NAICS Code	PRINCIPAL USES	AG	R-A	R-LD	R-MD	R-HD	R-MH	PRD	OI	C-G	C-H	PSP	LI	LI-R	HI	O-HC	See Also:
32621	Rubber Products: Tire Manufacturing														P		
	Concrete, Clay, Stone, Glass and other Nonmetallic Mineral Product Manufacturing:																
3271	Brick and Other Clay Product Manufacturing														P		
3272	Glass and Glass Product Manufacturing														P		
32732	Cement Manufacturing: Ready-Mix Concrete														S		§ 315
32733	Cement Manufacturing: Concrete Pipe, Brick, and Block														P		
327331	Cement Manufacturing: Concrete Block and Brick														P		
327332	Cement Manufacturing: Concrete Pipe														P		
32739	Cement Manufacturing: Other Concrete Products														P		
3274	Lime and Gypsum Product Manufacturing														P		
3279	Other Nonmetallic Mineral Product Manufacturing														P		
331	Primary Metal Manufacturing														P		
	Fabricated Metal Products Manufacturing:																§ 313(d)(1)
3321	Forging and Stamping														P		
3322	Cutlery and Hand-tool Manufacturing												P	P	P		
3323	Architectural and Structural Metals Manufacturing												P	P	P		

NAICS Code	PRINCIPAL USES	AG	R-A	R-LD	R-MD	R-HD	R-MH	PRD	OI	C-G	C-H	PSP	LI	LI-R	HI	O-HC	See Also:
3324	Boiler, Tank, and Shipping Container Manufacturing														P		
3325	Hardware Manufacturing												P	P	P		
3326	Spring and Wire Product Manufacturing												P	P	P		
3327	Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing												P	P	P		
3328	Coating, Engraving, Heat Treating, and Allied Activities														P		
3329	Other Fabricated Metal Product Manufacturing, except Munitions												S	S	P		
333	Machinery Manufacturing														P		
	Computer and Electronic Product Manufacturing:																§ 313(d)(1)
3341	Computer and Peripheral Equipment Manufacturing												P	P	P		
3342	Communications Equipment Manufacturing												P	P	P		
3343	Audio and Video Equipment Manufacturing												P	P	P		
3344	Semiconductor and Other Electronic Component Manufacturing												P	P	P		
3345	Navigational, Measuring, Electromedical, and Control Instruments Manufacturing												P	P	P		
3346	Reproducing Software, Compact Disks and Other Magnetic and Optical Media												P	P	P		
335	Electrical Equipment, Appliance, and Component Manufacturing												P	P	P		
336	Motor Vehicle and Other Transportation Equipment Manufacturing												P	P	P		

NAICS Code	PRINCIPAL USES	AG	R-A	R-LD	R-MD	R-HD	R-MH	PRD	OI	C-G	C-H	PSP	LI	LI-R	HI	O-HC	See Also:
337	Furniture and Related Product Manufacturing												P	P	P		
	Miscellaneous Manufacturing:																§ 313(d)(1)
33911	Medical Equipment and Supplies Manufacturing												P	P	P	B	
339116	Dental Laboratories								S		S		P	P	P	B	
33991	Jewelry and Silverware Manufacturing										P		P	P	P	B	
33992	Sporting and Athletic Goods Manufacturing												P	P	P		
33993	Doll, Toy, and Game Manufacturing										P		P	P	P		
33994	Office Supplies (except Paper) Manufacturing												P	P	P		
33995	Sign Manufacturing								P	P	P		P	P	P	B	
339991	Gasket, Packing, and Sealing Device Manufacturing												P	P	P		
339992	Musical Instrument Manufacturing										P		P	P	P	B	
339993	Fastener, Button, Needle, and Pin Manufacturing												P	P	P		
339994	Broom, Brush, and Mop Manufacturing												P	P	P		
339995	Burial Casket Manufacturing												P	P	P		
339999	All Other Miscellaneous Manufacturing										P		P	P	P	B	
	Wholesale Trade:																
42	Wholesale Trade with Customer Showrooms, except Livestock Sale Pavilions												P	P	P		
42	Wholesale Trade, no Showrooms or Outdoor Storage												P	P	P		

NAICS Code	PRINCIPAL USES	AG	R-A	R-LD	R-MD	R-HD	R-MH	PRD	OI	C-G	C-H	PSP	LI	LI-R	HI	O-HC	See Also:
42	Wholesale Trade with Outside Storage, except Junkyards and Scrap Yards (see under Waste Management)												S		P		
4542	Vending Machine Operators												P	P	P		
	Fuel Dealers:																
454310	Heating Oil Dealers												P		P		
454310	Liquefied Petroleum Gas (Bottled Gas) Dealers												P		P		
454310	Other Fuel Dealers												P		P		§ 331
	Warehousing and Storage:																
4931	Warehousing and Storage, except Petroleum Storage												P	P	P		§ 4.19 & 4.20
493190	Petroleum or Bulk Storage														S		§ 341; § 4.19 & 4.20
531130	Mini-warehouses and Self-Storage Units										S		S	S	S	B	§ 338
5121	Motion Picture and Video Industries																
51211	Motion Picture and Video Production										P		P	P	P	B	
51212	Motion Picture and Video Distribution										P		P	P	P	B	
51219	Postproduction Services and Other Motion Picture and Video Industries										P		P	P	P	B	
	Sound Recording Industries:																
512250	Record Production										P		P	P		B	
512250	Integrated Record Production/Distribution										P		P	P		B	
512250	Sound Recording Studios										P		P	P		B	
512290	Other Sound Recording										P		P	P		B	

NAICS Code	PRINCIPAL USES	AG	R-A	R-LD	R-MD	R-HD	R-MH	PRD	OI	C-G	C-H	PSP	LI	LI-R	HI	O-HC	See Also:
	Industries																
	Waste Management and Remediation Services:																
423140	Junkyards														S		§ 346
421930	Scrap Yards														S		§ 346
562111	Solid Waste or Recycling Transfer Station										S		S		S		§ 351
562111	Solid Waste Collection Company Office												P	P	P		§ 4.19 & 4.20
562112	Hazardous Waste Collection Company Office											S	P	P	P		§ 4.19 & 4.20
562211	Hazardous Waste Treatment and Disposal											S			S		§ 351
562212	Solid Waste Landfill (Subtitle D)											S			S		§ 351;
562212	Solid Waste Landfill (Inert)	S	S	S	S	S	S	S	S	S	S	S	S	S	S		§ 351
562213	Solid Waste Combustors and Incinerators											S			S		§ 351
562219	Composting Facility	S										S	S		S		§ 351
5629	Other Remediation Services including Asbestos Abatement and Lead Paint Removal														S		§ 351
56292	Recycling and Materials Recovery Facilities											S			S		§ 351
56292	Recycling Center—Collecting	S										S	•	•	•		§ 351
56292	Recycling Center—Reprocessing	S										S	S	S	S		§ 351
562991	Septic Tank Cleaning and Portable Toilet Services										S		S		P		§ 4.19 & 4.20
21231	Mining: Stone Mining and Quarrying														S		§ 342
326212	Tire Retreading & Recapping														P		
	Transportation, Communications and Utilities																

NAICS Code	PRINCIPAL USES	AG	R-A	R-LD	R-MD	R-HD	R-MH	PRD	OI	C-G	C-H	PSP	LI	LI-R	HI	O-HC	See Also:
481	Airport and Other Air Transportation	S											S		S		§§ 352-355
481219	Helicopter Landing Pad	S											S		S		§ 333
	Rail Transportation:																
4821	Rail Transportation Company Office												P	P	P		§ 4.19 & 4.20
488210	Support Activities for Rail Transportation Rail Yards, Rail and Train Service and Repair												S		S		
	Truck Transportation:																
48411	General Freight Trucking, Local												P		P		§ 4.19 & 4.20
48412	General Freight Trucking, Long-Distance												P		P		§ 4.19 & 4.20
48421	Used Household and Office Goods Moving												P		P		§ 4.19 & 4.20
48422	Specialized Freight (except Used Goods) Trucking, Local												P		P		§ 4.19 & 4.20
48423	Specialized Freight (except Used Goods) Trucking, Long-Distance												P		P		§ 4.19 & 4.20
	Transit and Ground Passenger Transportation:																
485111	Mixed Mode Transit Systems										P		P		P		
485112	Commuter Rail Systems									P	P		P		P		
485113	Bus and Other Motor Vehicle Transit Systems									P	P		P		P		
485119	Other Urban Transit Systems									P	P						
4852	Interurban and Rural Bus Transportation and Bus Stations								P	P	P	P	P		P		
4853	Taxi and Limousine Service										S		S				
4854	School and Employee Bus												P		P		

NAICS Code	PRINCIPAL USES	AG	R-A	R-LD	R-MD	R-HD	R-MH	PRD	OI	C-G	C-H	PSP	LI	LI-R	HI	O-HC	See Also:
	Transportation																
4855	Charter Bus Industry												P		P		
485991	Special Needs Transportation									P	P		P	P	P		
485999	All Other Transit and Ground Passenger Transportation										P		P	P	P		
486	Pipeline Transportation Company														P		
487	Scenic and Sightseeing Transportation										S		P				
	Support Activities for Transportation:																
48841	Motor Vehicle Towing Including Automobile Storage Yards with Wrecker Services														S		§ 316
48841	Motor Vehicle Towing Office with NO storage of towed vehicles												P		P		§ 316 § 4.19 & 4.20
4885	Freight Transportation Arrangement												P	P	P		§ 4.19 & 4.20
488991	Packing and Crating										S		P	P	P		§ 4.19 & 4.20
488999	Emissions Inspection									P	P		P	P	P	B	§ 4.19 & 4.20
447190 488490	Truck Parking as a principal use without fuel												S	S	S	B	§ 331(e)
	Broadcasting and Telecommunications:																
5151	Radio and Television Broadcasting Stations (except internet)									S	P		P	P		B	§ 4.19 & 4.20
5152	Cable Networks and Program Distribution									S	P		P	P		B	§ 4.19 & 4.20
238	Telephone and Other Wired Telecommunications Carriers										S		P	P	P	B	§ 4.19 & 4.20
517	Cellular and Other Wireless Telecommunications Carriers (except Satellite)										S		P	P	P		§ 4.19 & 4.20
517	Telecommunications Resellers										S		P	P	P		§ 4.19 & 4.20

NAICS Code	PRINCIPAL USES	AG	R-A	R-LD	R-MD	R-HD	R-MH	PRD	OI	C-G	C-H	PSP	LI	LI-R	HI	O-HC	See Also:
517/515	Satellite Telecommunications										S		P	P	P		§ 4.19 & 4.20
518	Data Processing, Hosting and Related Services								S				S	S	S		§ 4.19 & 4.20
519	Other Information Services: Internet Publishing, Broadcasting and web search portals								P	P	P		P	P	P	B	§ 4.19 & 4.20
	Radio, Television and Telecommunications Antennae and Towers:																
517	Ham Radio Tower less than 70 feet	P	P	P	P	P	P	P	P	P	P		P	P	P	B	§ 343
517	Micro Telecommunication Facilities	S	S	S			S		S	S	S	S	S	S	S	S	§ 343
517	Macro Telecommunication Facilities	S	S	S			S		S	S	S	S	S	S	S	S	§ 343
517	Alternative Tower Structure	S	S	S	S	S	S		S	S	S		S	S	S	S	§ 343
517	Monopole Tower 150 feet or less								S	S	S	S	•	•	•	S	§ 343
517	Guyed or Lattice Tower 150 feet or less											•	•	•	•	S	§ 343
517	Monopole, Guyed or Lattice Tower higher than 150 feet									S	S	S	S	S	S	S	§ 343
517	Co-Location on an Existing Tower	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	§ 343
	Utilities:																
22111	Electric Power Generation											S	S	S	S	S	
22111	Battery Energy Storage Systems											S	S	S	S	S	
22112	Electric Power Transmission, Control, and Distribution											S	S	S	S	S	§ 350
2212	Natural Gas Distribution											S	S	S	S	S	§ 350
22131	Water Supply and Irrigation Systems											S	S	S	S	S	
22132	Sewage Treatment Facilities											S	S	S	S	S	§ 351 (h)

NAICS Code	PRINCIPAL USES	AG	R-A	R-LD	R-MD	R-HD	R-MH	PRD	OI	C-G	C-H	PSP	LI	LI-R	HI	O-HC	See Also:
	Public and Institutional Uses:																
8131	Religious Organizations including Churches	S	S	S				P	P	P	P	S				B	§ 324
8132	Charitable Organization Offices							P	P	P	P	S				B	
8133	Social Advocacy Organizations								P	P	P	S	P	P		B	
8134	Civic and Social Organizations, with Private Bar or Restaurant								P	P	P	S				B	§ 324
8134	Civic and Social Organizations, without Private Bar or Restaurant	S	S	S					P	P	P	S				B	§ 324
8139	Business, Professional, Labor, Political, and Similar Organizations								P	P	P	S	P	P	P	B	
9221	Government - Justice, Public Order, and Safety Activities								P	P	P	P				B	
926120	Government – Motor vehicle licensing offices								P	P	P	P	P	P		B	
926	Government – General Offices											P				B	
62	Hospitals:																
6214	Outpatient Medical Care Centers								P	P	P	S	P	P		B	
6221	General Medical and Surgical Hospitals								S	P	P	S				B	
6222	Psychiatric and Substance Abuse Hospitals								S	P	P	S				B	
622310	Specialty (except Psychiatric and Substance Abuse) Hospitals								S	P	P	S				B	
6232	Residential Intellectual and Developmental Disability, Mental Health, and Substance Abuse Facilities								S	P	P	S				B	
6233	Continuing Care Retirement Communities and Assisted Living Facilities for the Elderly					P		P	S	P	P	S				B	
6241	Social Services Assistance, including Individual and Family								S	P	P	S				B	

NAICS Code	PRINCIPAL USES	AG	R-A	R-LD	R-MD	R-HD	R-MH	PRD	OI	C-G	C-H	PSP	LI	LI-R	HI	O-HC	See Also:
	Services																
6242	Community Food and Housing, and Emergency and Other Relief Services									•	•	S				B	§ 327
81222	Cemeteries	S	S	S	S				S	S	S	S				B	§ 323
81222	Crematories														S		
61	Educational Services																
6111	Private Schools: Elementary and Secondary	S	S	S	S				•	•	•	P				B	§ 345
6112	Private Schools: Junior Colleges	S	S	S	S				S	S	S	P				B	§ 345
6113	Private: Colleges, Universities and Professional Schools	S	S	S	S				S	S	S	P				B	§ 345

Table 2.3: List of Accessory Uses Allowed by Zoning District

An <i>Accessory Use</i> is a building or use customarily incidental and subordinate to the principal use located on the property.	P	Use is Allowed by Right in the District Indicated
	•	Use is Allowed with Restrictions (see Section indicated)
	S	Use Requires Special Use Approval
	B	Use is Permitted only if allowed by base district
		Use is not Allowed

NAICS Code	ACCESSORY USES	AG	R-A	R-LD	R-MD	R-HD	R-MH	PRD	OI	C-G	C-H	PSP	LI	LI-R	HI	O-HC	See Also:
	Accessory Uses Customary to a Principal Use	•	•	•	•	•	•	•	•	•	•	•	•	•	•	B	§ 313(a) § 413
	Accessory Uses Customary to a Dwelling	•	•	•	•	•	•									B	§ 313 (b)
	Accessory Uses Customary to a Church or Other Place of Worship	S	S	S				•	•	•	•					B	§ 313 (c)
	Accessory Uses Customary to Office, Commercial and Industrial Uses								•	•	•		•	•	•	B	§ 313 (d)
	Accessory Retail Uses (in an Office, Hotel or Multi-Family bldg.)								•	P	P					B	§ 313 (e)
	Accessory Dwelling Unit	•/S	•/S	•/S	•/S			•								B	§ 313 (f)
	Agricultural Produce Stand	•	•							S	S						§ 313 (g)
	Climate Controlled Storage									S	S						
6244	Family Day Care Home (up to 6 in care)	•	•	•												B	§ 328
6244	Group Day Care Facility Adult or Child (7 up to 18 in care)							•	•	•	•					B	§ 328
6244	Day Care Center, Adult or Child (more than 18 in care)							•	•	•	•					B	§ 328
	Golf Driving Range (Internal to Golf Course)	S	S	S	S	S	S	S	S	S	S						§ 332
481219	Helicopter Landing Pad							•	•	•	•	S	•	•			§ 333
	Home Occupation - Home Office	•	•	•	•	•	•	S								B	§ 334
	Home Occupation - Home Business	•/S	•/S	•/S	•/S	•/S	•/S	•/S								B	§ 334
	Home Occupation - Cottage Industry/Maker Business	S	S	S	S	S	S	S								B	§ 334

NAICS Code	ACCESSORY USES	AG	R-A	R-LD	R-MD	R-HD	R-MH	PRD	OI	C-G	C-H	PSP	LI	LI-R	HI		See Also:
	Night Watchman Residence									•	•		•	•	•	B	§ 339
	Outdoor Display Area									•	•					S	§ 304
	Outdoor Storage Area									S	S		S	S	S	S	§ 305
	Company Fleet Vehicle On-Premise Parking (Except Heavy Trucks)								•	•	•	•	•	•	•	B	§ 313(d) § 331(e)
	Company Fleet Heavy Truck On-Premise Parking										S		•	•	•	B	§ 313(d) § 331(e)
	Neighborhood Recreation Centers, including Private Playgrounds, Tennis, Pools or Other Recreation Amenities, with or without Accessory Food and Beverage Sales	•	•	•	•	•	•	•				•				B	§ 308 (a), § 326 (b), § 336 (f)
	Private Parks, Playgrounds and Other Open Space Amenities, including Squares, Greens and Pocket Parks	P	P	P	P	P	P	P				•				B	
721214	Recreational Camps and Campgrounds	•									•		•			B	§ 318
454390	Temporary Events - Yard Sale	•	•	•	•	•	•	•								B	§ 348
81222	Mausoleums and Crematories within a Cemetery	•	•	•	•			•	•	•	•	•					§ 323
6242	Community Food and Housing Shelter								•	•	•	•	•	•			§ 327
	Emergency Shelter	•	•	•	•	•	•	•	•	•	•	•	•	•	•		§ 330
	Horse and Riding Stables, Private	•	•	•	•			•									§ 335
	Temporary Office for a Development Project	•	•	•	•	•	•	•	•	•	•		•	•	•		§ 349

Sec. 301 - Purpose of Article 3.

The purpose of Article 3 is to provide land use and development regulations for specific uses that will then be applicable to sites throughout Douglas County. Unless otherwise noted, these standards are intended to be applied within all zoning districts where the particular uses are permitted, whether by right or through Special Use approval.

Sec. 302 - Agricultural and residential use separation.

Adequate separation must be provided between certain agricultural structures or operations and neighboring residences for any new construction, in accordance with the provisions of this Section.

302 (a) Separation required for new agricultural uses.

See Article 3, Section 319

302 (b) Separation from existing agricultural uses.

- (1) When a new residence is to be constructed on a neighboring property in proximity to any existing agricultural structure or operation for which separation is required by this Article, but the existing structure or operation does not comply with such required distance, the new residence shall be sited so as to be separated from such structure or operation by the minimum distances required under Section 319.
- (2) The separation distance may be reduced by the Director of Development Services if a natural or structural zoning buffer is provided by either property owner meeting the standards of the Landscaping, Buffers and Tree Conservation Article of this Code

Sec. 303 - Environmentally hazardous uses.

303 (a) Special Use approval required.

Any use that requires a federal or state permit due to the handling, storage, production or processing of bio-medical or hazardous materials, products or waste, if otherwise allowed in a zoning district, must obtain approval as a Special Use from the Board of Commissioners. The Special Use application shall include a copy of the application for the federal or state permit.

(1) Section 313 businesses.

Any business that is required to file a Toxic Chemical Release Inventory report (Form R or Form A) under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA, or Title III of the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499) is subject to Special Use approval in order to operate in Douglas County. An initial Form R or Form A must be included in the application for Special Use approval.

(2) Annual reporting required.

Section 313 Emergency Planning and Community Right-to-Know Act (EPCRA), which is also known as Title III of the Superfund Amendments and Reauthorization Act (SARA), requires certain facilities to report both routine and accidental chemical releases. These businesses must submit reports to the Environmental Protection Agency (EPA) and the state emergency response commission (SERC) by July 1 for each preceding year

EPA's "Toxic Chemical Release Inventory Reporting Form R and Instructions" provides guidance on how to determine if your facility must submit a report. Either Form A or Form R must be sent to the EPA and SERC if a facility is required to comply with EPCRA §313. Choosing the correct EPA Form depends on the type and quantity of chemicals at the facility.

A Section 313 Toxic Chemical Release Inventory report (Form R or Form A) shall be filed with the Development Services Department annually when filed with the U.S. Environmental Protection Agency and the state. Failure to submit such report to the Development Services Department annually may be grounds to advertise for a show-cause hearing to determine if the special use should be revoked for failure to comply with the stated conditions of approval.

303 (b) EPCRA Section 313 businesses.

- 1) Specific determinations are made under EPA rules on a business-by-business basis.
- 2) Criteria for reporting a chemical with Form R:
 - a. facility has 10 or more full-time employees; and
 - b. facility is included in Standard Industrial Classification (SIC) codes 10, 12, 20-39, 4911, 4931, 4939, 4953, 5169, 5171, 73891 or is a federal facility; and
 - c. chemical is subject to reporting under Section 313 column of SARA Title III "List of Lists"² (i.e. is a listed chemical), which is also listed in 40 CFR 372.65; and
 - d. facility manufactures or processes more than 25,000 pounds/year of a listed chemical or facility otherwise uses more than 10,000 pounds/year of a listed chemical; and
 - e. facility has an "annual reportable amount"⁴ of more than 500 pounds; or

- f. facility has an “annual reportable amount” less than 500 pounds but facility manufactures, processes, or otherwise uses more than 1 million pounds .
- 3) Criteria for reporting a chemical with Form A:
 - a. facility meets all the criteria previously mentioned for Form R except...
 - b. facility has an “annual reportable amount”⁴ of less than 500 pounds ; and
 - c. facility manufactures, processes, or otherwise uses less than 1 million pounds .
- 4) Land Uses subject to this Development Code that may be subject to EPCRA Section 313 requirements may be classified under any one of the following categories.
 - a. Businesses involved with toxic chemicals and engaged generally in any of the following industrial classifications:
 - i. Metal mining;
 - ii. Coal mining;
 - iii. Food and kindred products;
 - iv. Tobacco products;
 - v. Textile mill products;
 - vi. Apparel and other finished products made from fabrics and other similar materials;
 - vii. Lumber and wood products (except furniture);
 - viii. Furniture and fixtures;
 - ix. Paper and allied products;
 - x. Printing, publishing and allied industries;
 - xi. Chemicals and allied products;
 - xii. Petroleum refining and related industries;
 - xiii. Rubber and miscellaneous plastics products;
 - xiv. Leather and leather products;
 - xv. Stone, clay, glass and concrete products;
 - xvi. Primary metal industries;
 - xvii. Fabricated metal products, except machinery and transportation equipment;
 - xviii. Industrial and commercial machinery and computer equipment;
 - xix. Electronic and other electrical equipment and components, except computer equipment;
 - xx. Transportation equipment;
 - xxi. Measuring, analyzing and controlling instruments; photographic, medical and optical goods; watches and clocks; and
 - xxii. Miscellaneous manufacturing industries.

- b. Any facility that combusts coal or oil for the purpose of generating electricity for distribution in commerce.
- c. Any refuse system regulated under federal law.
- d. Wholesale establishments engaged in storing chemical or allied products, or petroleum terminals for bulk storage.
- e. Businesses primarily engaged in solvents recovery services on a contract or fee basis.

Sec. 304 - Outdoor display areas.

Merchandise or goods may be on display outdoors for the purpose of customer selection or direct sale or lease to customers only as follows:

304 (a) Outdoor display areas; permanent.

The following merchandise or goods may be located in outdoor display areas on a permanent basis (where the use is otherwise permitted):

- (1) New or Used Motorized vehicles that are in good running condition.
- (2) Plants and general nursery items.
- (3) Light building materials such as lumber, patio pavers and decorative stone; yard furniture such as benches, swings and bird baths; and yard maintenance materials such as fertilizer, mulch, straw and seed.

304 (b) Temporary sales promotions.

All other outdoor display of merchandise or goods shall be conducted on a temporary basis associated with special sales promotions. Such display shall be for a period not to exceed 60 days, and shall not occur more often than once each 3 month period. Signage for such temporary events is restricted in accordance with the Sign Regulations Article of this Code.

304 (c) Outdoor display areas; restrictions.

- (1) Merchandise or goods on display outdoors must be located at least 20 feet from any property line.
- (2) Any area outside of a building where merchandise or goods are displayed for customer selection or direct sale but which is permanently screened by an opaque imitation-wood vinyl fence, polymer or composite based material opaque fence, or free-standing wall at least 6 feet in height or a zoning buffer meeting the standards of the Landscaping, Buffers and Tree Conservation Article of this Code shall not be considered an outdoor display area.

Sec. 305 - Outdoor storage.

The outdoor storage of goods, material or merchandise not otherwise on display for customer selection or direct sale or lease to customers, where the use is otherwise permitted, is limited as follows:

305 (a) Outdoor storage in office/commercial zoning districts.

- (1) Outdoor storage is not permitted in the OI District.
- (2) Outdoor storage is permitted in the C-G and C-H Districts with Special Use approval only. All outdoor storage must be located to the side or rear of the building inside all setback lines and must be screened from public streets and residential districts by an opaque imitation-wood vinyl fence polymer or composite based material opaque fence or free-standing wall no less than 8 feet in height or a zoning buffer meeting the standards of the Landscaping, Buffers and Tree Conservation Article of this Code.
- (3) No required parking spaces, required landscaped area, or any other required site element shall be used for outdoor storage.

305 (b) Outdoor storage in the industrial zoning districts.

- (1) Outside storage is permitted in the LI-R , L-I and H-I zoning districts with Special Use Permit only. Any storage use operated as a principal use or accessory use on a property zoned LI, LI-R or HI shall be contained entirely within a building, or:
 - a. Shall be screened from view by an opaque imitation-wood vinyl fence, polymer or composite based material opaque fence, dark vinyl-coated chain link fencing with opaque screening or free-standing wall no less than 6 feet in height and appropriately landscaped and maintained; and
 - b. Shall be placed in a side or rear yard and set back at least 25 feet from any side or rear property line.
- (2) Additional restrictions apply to salvage, junk and wrecking yards (see Sec. 346).
- (3) No required parking spaces, required landscaped areas or any other required site element shall be used for outdoor storage.

Sec. 306 - Standards for numbering property and buildings.

There is hereby established a uniform system for number property and buildings along all public and private roads, streets, avenue and other right-of-way in the unincorporated are of Douglas County in order to protect the safety and welfare of the general public by facilitating the location of individual dwellings and businesses by emergency response personnel. Address numbers shall be assigned or re-assigned by the GIS Department or other department as designated by the Board of Commissioners in accordance with administrative procedures.

306 (a) Re-assignment of address.

When, in the opinion of the GIS Department, the existing address number of a property is inconsistent with the County's address numbering system and/or is difficult for emergency response personnel to locate, the GIS Department may administratively re-assign the street address number. The GIS Department shall mail a written notice of the new address number to the property owner at their last know mailing address. Within thirty (30) days of the date that the GIS Department provides written notification of the new address, the property owner may request a review of the new address by the department. Within six (6) months of the date that the notification of the new address is mailed, the property owner shall post the new address number in accordance with the terms of this Ordinance and remove any different address number that might be mistaken for or confused with the number assigned tot the structure by the GIS Department.

306 (b) Assignment of new address.

No building permit shall be issued for any principal building until the owner or developer has procured an official address number for the property from the GIS Department. Final approval for a Certificate of Occupancy of any principal building erected or repaired shall be withheld until permanent and property numbers have been displayed in accordance with the requirements of this Ordinance.

In the case of new subdivisions, address numbers must be assigned to each proposed lot or tract on the final plat.

306 (c) Posting of designated address.

All figures must be set against a contrasting background and made from a material that is reflective or illuminated, allowing for 24-hour visibility.

Each one-family and two-family dwelling unit shall post and maintain the address number in a conspicuous place on the property, such as both sides of a mailbox, the curb, yard sign or the dwelling. The address must be clearly visible from the street providing general public access in figures at least three (3) inches high.

Multi-family buildings with three or more dwelling units shall post and maintain the address number on the building, clearing visible from the parking lot or street providing general public access. The numbers shall be at least six (6) inches high. Each individual apartment or unit must have its unit number or address posted in letters or numbers at least four (4) inches high at the main entrance to the apartment or unit. If a multi-family building has more than one exterior entrance, each such entrance shall be marked in numbers at least four (4) inches high with the number, letter and/or address of each and every individual apartment or unit to which access is provided through that common entrance.

Each business or other non-residential building shall post and maintain the address number in a conspicuous place on the property clearly visible from the street providing public access in figures that are at least four (4) inches high.

306 (d) Designating multiple addresses to a single residential property

When an accessory dwelling unit is authorized upon a property currently occupied by a principal residence, the establishing of a secondary street number for the accessory dwelling shall be implemented for clarity to emergency personnel. No building permit shall be issued for any accessory dwelling unit until the owner or developer has procured an official secondary address number for the property from the GIS Department.

Sec. 307 - Standards for single-family and two-family dwellings.

All single-family and two-family dwellings, including on-site built and industrialized housing and manufactured homes, shall meet or exceed the following requirements in order to be constructed, assembled, moved into, or relocated within Douglas County, unless other requirements of the Design Standard Details shall apply:

307 (a) Foundation.

- (1) The structure shall be attached to a permanent foundation constructed in accordance with the Building Code or State regulations, as applicable.
- (2) Upon placement, all means of transportation, such as towing devices, wheels, axles, and hitches, shall have been removed.
- (3) The area beneath the ground floor of the structure shall either be a slab foundation or shall be enclosed around the exterior of the structure with a foundation wall or a curtain wall constructed of finished masonry at least 4 inches thick, penetrated by openings only for installed vents and access doors.
- (4) Each manufactured home shall have tie-downs or other devices securing the stability of the manufactured home and shall be installed in accordance with the requirements of the Installation of Manufactured Homes and Mobile Homes rules and regulations established and published by Georgia Safety Fire Commission (O.C.G.A. 8-2-160 et. seq.)

307 (b) Landings.

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

307 (c) Exterior siding.

Additional construction standards for dwellings on all lots for all detached and attached dwellings.

- (1) Detached dwellings and attached dwellings shall be constructed in compliance with the following requirements:
 - a. Exterior siding materials
 - i. Exterior siding materials excluding gables, soffits and minor trim and window openings, for the front of every dwelling shall be 100% brick, stone, solid wood, glass or cementitious siding, including fiber cement board, stucco, and imitation brick or stone.
 - ii. Exterior siding materials of each side shall be at least 40% brick, stone, solid wood, glass or cementitious siding, including fiber cement board, stucco and imitation brick or stone.
 - iii. Vinyl siding and metal siding is prohibited, excepted where noted below. Any existing non-cementitious siding (i.e., cedar, wood, log, etc.) may be replaced with vinyl siding as an upgrade due to deterioration caused by environmental effects including mold, pests, insects, etc. and subject to the specifications listed below.

1. Vinyl siding is allowable on manufactured homes located in an manufactured home park, manufactured home subdivision, or on an individual lot, so long as it is in compliance with all other requirements of this Code.
2. Vinyl siding may be approved by the Director of Development Services in accordance with the provisions of Section 307(1)(a)(iv) below.

iv. The Development Services Director may approve a façade material for a principle structure in circumstances where, in their determination, the material is substantially compatible with the established character of the neighborhood and the expectation of quality as established by this Code. This discretion is granted as an acknowledgment of the need for the maintenance of the county's housing stock over years, decades or centuries, and the acknowledgement that the style and availability of materials will change over time. This discretion is not meant to diminish the quality of the county's housing stock or adjudicate issues of hardship that should be determined through a Board variance in accordance with Article 13 of this Code. In instances where the application of this discretion is in question, or for any other reason, the Development Services Director can require the applicant to apply to the Board of Commissioners for special use permit approval. Records and reports of all administrative approvals that are granted shall be maintained.

b. There must be an adequately paved area to provide off-street parking for a minimum of four (4) vehicles or there shall be a garage of not less than two (2)-vehicle capacity for all new construction with two (2) additional paved off-street parking spaces. Any single-family dwelling must meet the following conditions to obtain a permit to enclose any garage or carport:

- (1) The single-family dwelling must be owner occupied.
- (2) There must be adequate paved parking area after the garage/carport enclosure to provide off-street parking for a minimum of four (4) cars.
- (3) Construction materials for the enclosure must be consistent with the existing house siding to provide a cohesive look and be architecturally unified.

c. Front yards shall be fully landscaped, and all other yards shall be landscaped where disturbed during development or building.

d. At the time of application for a building permit a floor plan drawing and an elevation drawing of the front and sides of the residential building shall be submitted. The elevation drawings must show the type of siding being applied and the limits of the siding being installed on the structure.

e. Accessory structures, where permitted, shall be clad in a style and façade material that matches the exterior of the principal residence or utilizes one of the approved exterior materials required for principal residences.

f. The Development Services Director may approve an alternative façade material for an accessory building in circumstances where, in their determination, the structure will not be visible from the public right of way or visible to adjacent property owners at any time during the year. In instances where the degree of visibility is in question, or for any other reason, the Development Services Director can require the applicant to apply to the Board of

Commissioners for special use permit approval. Records and reports of all administrative approvals that are granted shall be maintained.

307 (d) Roofs.

- (1) All roof surfaces shall have a minimum pitch of 4:12 (4 inches of rise for every 12 inches of run), except that mansard and gambrel roofs must meet this requirement only for those surfaces that rise from the eaves.
- (2) All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or shingles, standing seam (noncorrugated) metal, clay tiles, slate, or similar materials.
- (3) Minimum roof overhang shall be 12 inches, excluding gutters, along all sides of the structure.

307 (e) Minimum width.

The minimum width of the entire structure shall be greater than 16 feet. Structure width shall be measured between all parallel exterior walls, with the exception of extensions from the main structure for dormers, bay windows, entrance foyers and similar appurtenances, and extensions of no more than 5 feet for other architectural elements of the structure's design.

307 (f) Deviations from standards where allowed.

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

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

307 (g) Compliance with codes.

The dwelling shall be constructed in accordance with all applicable requirements of the Building Code as adopted by the County, or in accordance with standards established by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401, et seq.) for manufactured homes, or in accordance with State law and regulations for industrialized buildings, whichever apply.

- (3) Minimum roof overhang shall be 12 inches, excluding gutters, along all sides of the structure.

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Sec. 308 - Standards for multi-family dwellings (including townhouses).

308 (a) Requirements in general.

- (1) Recreation amenity.

Every townhouse or multi-family development must contain a community recreation amenity of adequate size or variety to serve the development, such as a community pool, tennis courts, tot lot, basketball courts, sidewalks, or bike trails.

- (2) Off-street parking facilities shall be grouped in bays, either adjacent to streets or at the rear of dwellings; and no off street parking space shall be more than 100 feet distance by the most direct pedestrian route from a door of the dwelling unit it intends to serve.
- (3) Curb and Gutter is required on all internal public streets.
- (4) All common areas not included within lots or occupied by dwelling units must be set aside for community open space or recreational amenities. No less than 20% of the gross site area must be set aside as community open space.
- (5) All primary resource conservation areas, as defined in this Code, must be set aside under a natural resource or conservation easement drawn in accordance with the Environmental Protection Article of this Development Code.

308 (b) Building arrangement.

Buildings that are front face to front face or back face to back face or front face to back face shall not be less than 50 feet apart. No dwelling shall be situated as to face the rear of another dwelling structure within the development or on adjoining properties, unless differences in terrain and elevation would provide effective visual separation.

308 (c) Dwelling units per building:

- (1) Townhouses: No more than 10 or fewer than 3 dwelling units can comprise a building.
- (2) Other multi-family buildings: No more than 12 dwelling units per floor may be included within a building used exclusively as a multi-family dwelling.
- (3) Lofts and mixed-use buildings: Within a master planned development or a zoning district that is allowed to have lofts (dwelling units over retail or office space) or mixed-use arrangements of commercial and residential within the same building, the minimum floor area required for the dwelling units and the building heights will control the maximum number of units allowed.

308 (d) Townhouse developments.

- (1) Townhouse development is to be designed, proposed and intended such that each dwelling unit therein is to be sold in fee simple as a condominium or with the land upon which the unit is located as an individual lot subdivided from all other lots.
- (2) No more than three contiguous dwellings that form a part of a single building shall have the same setback or roof line. Said setback and roof line shall be varied by a minimum of two feet.
- (3) Sidewalks shall be provided for each townhouse residential development to promote safe pedestrian access throughout the entire development.

- (4) Driveways serving more than six units shall be paved to a minimum width of 30 feet, curbed and guttered. All driveways within the development shall be paved, curbed and guttered according to county specifications.
- (5) Private, usable open space, such as balconies, sun decks, patios, etc., shall be provided contiguous to each dwelling unit. The area of such open space provided for each unit shall not be less than ten percent of the floor area of the unit served. The location and number of square feet shall be clearly indicated on the site plan.
- (6) Residential open space .

The developer shall set aside and develop not less than 20% of the land area within the development area for open space, parks or recreational use. Required streets, drives, yard areas and common parking court areas shall not be credited toward this minimum required open space allocation. Only fifty percent of such area may be developed with recreational facilities. Primary conservation areas as defined in the Environmental Protection Article of this Development Code shall not be included in the minimum 20% calculation.

- (7) Common open space facilities .

Any townhouse residential development providing common open space or other lands or facilities in common ownership shall comply with the Property Owner's Association requirements of the Subdivisions and Planned Developments Article of this Code.

Sec. 309 - Standards for pre-owned manufactured homes.

309 (a) Standards in general.

These standards are applicable to any pre-owned manufactured home that is proposed to be moved into or relocated within the county.

- (1) All pre-owned manufactured homes moved into or relocated within Douglas County must bear an approval seal of either HUD or the Georgia Department of Community Affairs.
- (2) Mobile homes, which are defined as manufactured housing that do not conform to the Federal Manufactured Housing Construction and Safety Standards Act (the HUD Code), are not allowed to be moved into or relocated within the county.

309 (b) Manufactured home Inspection.

Any pre-owned manufactured home being moved or relocated within the county must pass inspection by an inspector acceptable to the Department of Development Services prior to being moved or relocated. *(Amended 02/2005)*

- (1) This inspection will cover, but not be limited to:
 - a. Sanitary facilities.
 1. Every plumbing fixture, water, and waste pipe shall be in a sanitary working condition free from leaks or obstructions.
 2. Both cold and hot water must be supplied.
 3. Water heating facilities must be in safe working condition.
 - b. Exterior condition.
 1. Every habitable room shall have at least one window that can be opened facing directly to the outdoors.
 2. The exterior of the home shall be free of loose or rotting boards or timbers and any other conditions that might admit rain or moisture to the interior portions of the walls or to the occupied spaces.
 3. The exterior siding shall be free of rot and rust and must be uniform in appearance.
 4. Roofs shall be structurally sound and have no obvious defects that might admit rain or cause moisture to collect on the interior portion of the home.
 - c. Safety of operating systems (electrical, heating, etc.), including:
 1. Heating facilities must operate in a safe working condition. Where a central heating system is not provided, the manufactured home shall be provided with facilities whereby a heating appliance may be connected.
 2. Unvented fuel burning heaters shall be prohibited except for gas heaters listed for unvented use and the total input rating of the unvented heaters is less than 30 BTU per house per cubic foot of room content.
 3. Unvented fuel burning heaters shall be prohibited in bedrooms.

4. Distribution panels shall be in compliance with the approved listing, complete with required breakers or fuses, with all unused openings covered with blank covers approved and listed for that purpose. Connections shall be checked for tightness. Panels shall be accessible.
 5. Electrical systems (switches, receptacles, fixtures, etc.) shall be properly installed, wired and shall be in working condition. The home shall be subjected to an electrical continuity test(s) to assure that all metallic parts are properly bonded.
- d. The presence of operable smoke detectors.
 - e. Interior condition.
 1. Every floor, interior wall and ceiling shall be in sound condition.
 2. Doors and windows shall be operable, watertight and in good working condition.
 3. The floor system shall be in sound condition and free of warping, holes, water damage or deterioration.
- (2) Timing of inspection.
- a. For a manufactured home to be relocated within the county, the inspection shall be conducted prior to moving the home from the original site.
 - b. For a manufactured home being moved into the county, either:
 1. The inspection shall be conducted prior to moving the home from the original site; or
 2. With the owner's written approval and acceptance of all liability, the inspection may be conducted at the new home site prior to connecting the manufactured home to a water supply, to a sanitary waste disposal system, and to permanent power. Such a manufactured home that does not pass inspection or is not brought into conformity must be removed from the county.

Sec. 310 - Standards for office, commercial and industrial uses.

310 (a) Screening of dumpsters.

All dumpster and/or exterior commercial trash storage containers must meet the requirements of Article 8.

310 (b) Standards for Walls and Fences.

Any fences or walls not required for screening under this section shall be composed of stone, decorative metal, decorative block or composite based material that simulate wooden fences. Woven-wire fences shall not be used, except as described below. All fences shall be maintained in good repair at all times with a painted or stained finish on all sides. Good repair shall be determined by the Development Services Director or his/her designee.

Dark vinyl-coated chain-link fencing may be used for security around stormwater detention ponds in conjunction with properly-maintained landscaping and screening when said landscaping and/or existing vegetation prevent the view of the fence within two years of planting, as determined by the Douglas County Arborist. It may only be used on the interior of required landscape buffers.

Dark vinyl-coated chain-link fencing may be used in the industrial zoning districts along side and rear property lines in conjunction with properly-maintained landscaping and screening when said landscaping and/ or existing vegetation prevent the view of the fence within two years of planting, as determined by the Douglas County Arborist. It may only be used on the interior of required landscape buffers.

A fence or free standing wall in any front yard area must be set back from the right-of-way line by at least 3 feet. No setback is required along side and rear lot lines. Fencing shall not block or obscure the required site line at driveways and intersections or diminish the sight distance required for visibility at those locations.

310 (c) Building exterior guidelines.

On all non-residential structures in zoning districts other than L-I and H-I, all exposed exterior wall sidings shall be composed of Type A materials. On industrial structures in L-I and H-I zoning districts, the front exterior of all such structures shall be composed of Type A materials, and the remaining sides and back exterior wall sidings shall be composed of the maximum and minimum percentages of materials as follows:

<u>Material</u>	<u>Maximum %</u>	<u>Minimum %</u>
Type A	100	40
Type B	60	0
Type C	10	0

Type A Material: Exterior finish materials shall be any of the following:

- a. Brick or brick face;
- b. Natural stone including granite, marble, sandstone, field stone or any other natural stone;
- c. Manufactured stone including imitation field stone, marble, terrazzo, and any other manufactured architectural finish stone;
- d. Clay tile with baked-on enamel finish; or architecturally treated decorative concrete block;
- e. Cementitious stucco wall siding (troweled, blown, board or plank), including limestone either troweled or blown and stamped, stained or textured in finish, Exterior Insulation and Finish Systems (EIFS).
- f. Metal siding is prohibited, but architecturally treated metals are allowable as trim and detail materials, with the approval of the Director

Type B Material: Exterior finish materials shall be any of the following:

- a. Brick or brick face;
- b. Natural stone including granite, marble, sandstone, field stone or any other natural stone;
- c. Manufactured stone including imitation field stone, marble, terrazzo, and any other manufactured architectural finish stone;
- d. Clay tile with baked-on enamel finish; or architecturally treated decorative concrete block;
- e. Architecturally treated decorative concrete block;
- f. Architecturally treated slabs or block either fluted or with exposed aggregate; or
- g. Cementitious stucco wall siding (troweled, blown, board or plank), including limestone either troweled or blown and stamped, stained or textured in finish, Exterior Insulation and Finish Systems (EIFS).
- h. Metal siding is prohibited, but architecturally treated metals are allowable as trim and detail materials, with the approval of the Director

Type C Material: Exterior finish materials shall be any of the following:

- a. Manufactured stone including imitation field stone, marble, terrazzo, and any other manufactured architectural finish stone;
- b. Clay tile with baked-on enamel finish; or architecturally treated decorative concrete block;
- c. Architecturally treated decorative concrete block;
- d. Architecturally treated slabs or block either fluted or with exposed aggregate; or
- e. Cementitious stucco wall siding (troweled, blown, board or plank), including limestone either

Sec. 311 - Sexually oriented adult uses.

The purpose of these standards is to regulate certain types of businesses to the end that criminal activities engendered by such businesses will be curtailed. This is not intended as a de facto prohibition of legally protected forms of expression. This is intended to represent a balancing of competing interests: reduced criminal activity and protection of neighborhoods and development throughout the regulation of sexually oriented establishments versus any legally protected rights of sexually oriented establishments and patrons. This is not intended to allow or license any business, establishment, or activity, which would otherwise be unlawful. The Board of Commissioners, after weighing and careful consideration, find that all other uses allowed within any zone other than LI (Light Industrial), and HI (Heavy Industrial) zones shall exclude sexually oriented establishments unless such uses are specifically stated to include sexually oriented establishments within that zone. No general use description set out elsewhere shall be deemed or construed to include such use.

311 (a) Special Use approval required.

Prior to using the premises as an sexually oriented establishment, any person, association, partnership, corporation, or other business entity must first have applied and received Special Use approval for the operation of any sexually oriented establishment. No use hereunder shall condone or make legal any activities there under if the same is deemed illegal or unlawful under the laws of the State of Georgia or the United States or under any other ordinance, rule, or regulation of Douglas County.

311 (b) Use limitations.

- (1) No minors shall be allowed to enter or remain within a licensed premises.
- (2) It shall be unlawful for any person to sell, exchange, barter, trade, give or offer to sell, exchange, barter, trade, or give, to any minor any entertainment, service, material, device, or thing offered, for sale or otherwise, at an sexually oriented facility.
- (3) It shall be unlawful for any elected or full-time appointed official or any employee of the County or employee of an elected official of the County who receives all or part of his/her salary from Douglas County, or his/her spouse or minor child(ren) to have any whole, partial, or beneficial interest as defined herein in any license or use hereunder.
- (4) The following provisions, in addition to all others, shall apply to erotic dance and entertainment establishments.
 - a. No later than March 1 of each year, the applicant shall file a verified report with the County showing the licensee's gross receipts and all amounts paid to dancers or entertainers for the preceding 12 month period.
 - b. Applicants shall maintain and retain for a period of 2 years the names, addresses, and ages of all persons employed as dancers or entertainers.
 - c. All dancers and entertainers, dancing and entertainment, shall occur on a platform intended for that purpose which is raised at least 2 feet from the next-highest level of the remainder of the floor.
 - d. No dancing or entertainment shall occur closer than 10 feet to any patron.
 - e. No dancer or entertainer shall fondle or caress any patron and no patron shall fondle or caress any dancer.

- f. No patron shall directly pay or give any gratuity to any dancer or entertainer.
 - g. No dancer or entertainer shall solicit any pay or gratuity from any patron.
 - h. All areas of the licensee's establishment shall be fully lighted at all times when patrons are present, which shall mean illumination equal to 3½ foot candles per square foot.
- (5) No sexually oriented establishment shall be conducted, operated, or licensed if the sexually oriented activity on the interior of its premises is visible from the exterior of the premises.
 - (6) No booth, screen, partition, or other obstruction shall be permitted within the interior of any such establishment so as to prevent a clear view throughout the premises, except to separate offices, kitchens, rest rooms, or other areas not frequented by patrons.
 - (7) All premises shall be kept clean and in proper sanitary condition. Each premise shall be cleaned at least once daily and more frequently when necessary. The person in charge of the premises shall supervise this activity. There shall be provided adequate facilities, equipment, and supplies on the premises to meet this requirement, and adequate ventilation and illumination shall be provided to permit thorough, complete cleaning of the entire licensed premises. Trash and garbage shall not be permitted to accumulate or to become a nuisance on or in the immediate vicinity of the licensed premises, but shall be disposed of daily or more frequently if necessary to prevent accumulation.
 - (8) The applicant or his designee shall make sanitary inspections of the premises at least every 15 days. Each licensed premise shall post and maintain in a readily accessible place a schedule for maintaining the sanitation of the premises.
 - (9) No premises for a sexually oriented establishment shall have any interior connections or doors with any other place of business or with any place where gambling or other illegal activity is conducted or where persons congregate for the illegal consumption, sale, possession, barter, manufacture, exchange, purchase, dispensation, delivery, or other dealing in, of alcoholic beverages or for any immoral purposes.

311 (c) Certain activities prohibited.

- (1) No person, firm, partnership, association, corporation, or other entity shall conduct any illegal activity in or upon the premises.
- (2) No person, firm, partnership, association, corporation, or other entity shall permit or suffer an employee or other person to appear nude or semi-nude where there is an individual payment offer or solicitation of money occurring between patron and employee.
- (3) No person, firm, partnership, association, corporation, or other entity shall permit any employee or patron to use artificial devices or inanimate objects to depict any of the prohibited activities described in this Section.
- (4) No person, firm, partnership, association, corporation, or other entity shall permit or suffer an employee or any person on the premises to insert an object into her vagina or her or his anal orifice, except for personal hygiene or necessity.
- (5) No person, firm, partnership, association, corporation, or other entity shall permit or suffer an employee or any person on the premises to engage in actual or simulated genital masturbation, or in the case of females, fondling of the breasts.

- (6) No person, firm, partnership, association, corporation, or other entity shall permit or suffer a male employee or any person on the premises to exhibit an unclothed, erect penis.
- (7) No person, firm, partnership, association, corporation, or other entity shall permit or suffer a male employee or any person on the premises to engage in or simulate bestiality.
- (8) No person other than a dancer or entertainer while on any licensed premises shall expose or be permitted to expose to public view with less than a complete and opaque covering of his or her genitals, pubic area, buttocks, anus or anal cleft or cleavage, and if female, her breasts below a point immediately above the top of the areola.
- (9) No employee or person, while on licensed premises, shall or be permitted to dance or perform nude or semi-nude in such a manner as to simulate sexual activity with any patron, spectator, employee, or other person not employed therein.
- (10) No person, while on licensed premises, shall, while nude or semi-nude, be permitted to sit upon or straddle the leg, legs, lap, or body of any patron, spectator, employee, or other person therein, or to engage in or simulate sexual activity while touching or being touched by said patron, spectator, or other person.
- (11) No person, firm, partnership, association, corporation, or other entity shall permit or suffer the use of any areas of the premises of such establishments for sexual contact or private dancing performance or entertainment.
- (12) No person, firm, partnership, association, corporation, or other entity shall permit or suffer any signage or advertisement which encourages, solicits, induces, or promotes conduct or activities prohibited by this Section.
- (13) No alcoholic beverages of any kind shall be sold, possessed, or consumed on the premises except in full compliance with Douglas County and any applicable federal or state laws.
- (14) No drugs or illegal or controlled substances of any kind shall be allowed, permitted, used, possessed, or sold upon the premises, and no gambling shall be allowed or permitted therein.

311 (d) Distance requirements for location.

- (1) No sexually oriented establishment, business, or use shall be located within the following distances as defined and measured as stated herein.
 - a. Within 1,000 feet of any residence.
 - b. Within 1,000 feet of a place of worship, school, government-owned or operated building, library, civic center, public park, hospital, community club, or prison.
 - c. Within 1,000 feet of another establishment regulated or defined hereunder.
 - d. Within 1,000 feet of an establishment selling alcoholic beverages other than the licensed establishment.
- (2) Each application for Special Use approval hereunder for which there is no existing County license then in effect of the type for which application is being made shall include a blue line copy of a surveyor's plat, 8-1/2" by 11" in size showing the proposed location and the location of all customer entries in relation and distance, measured as provided in this Section, to all real property and buildings on such real property which fall within the above distance requirements, together with the zoning district and present uses of all such real property and the proposed location.

- (3) After issuance of any license, no change in the location of the building on the premises or customer entry locations shall be made which would affect compliance with any distance requirements of this Section.

311 (e) Sexually oriented establishment employees.

- (1) Employees of sexually oriented establishments shall not be less than 21 years of age.
- (2) No person shall be employed in any capacity whatsoever, including, but not limited to, performers, entertainers, waiters, bouncers, bartenders, disc jockeys, and musicians, who has been convicted in this or any other county or state or in any federal court within 5 years immediately prior to the application for employment of soliciting for prostitution, pandering, letting premises for prostitution, keeping a disorderly place, illegally dealing in narcotics, sex offenses, or any charge relating to the manufacture or sale of intoxicating liquors, or any other felony or crime involving moral turpitude, or for whom any outstanding warrant exists on which service has not been performed. "Be employed" shall include all work done or services performed while in the scope of employment on the premises or elsewhere, for compensation or otherwise. Notwithstanding, this provision shall not apply to an independent contractor who performs accounting, legal, administrative, repair, or maintenance services for licensee.
- (3) A permit to work in or be employed by a sexually oriented establishment, whether for compensation or otherwise, shall be required for all employees thereof. For the purpose of this Section, independent contractors, such as entertainers, employed or hired by a sexually oriented establishment shall be considered as employees and shall be licensed as employees, regardless of the business relationship with the owner or licensee of any sexually oriented establishment. Each independent contractor shall be required to have and maintain his or her separate business license. Notwithstanding, this provision shall not apply to an independent contractor who performs accounting, legal, administrative, repair, or maintenance services for licensee.
- (4) No person requiring a permit may be employed by or work in an establishment until such person has filed an application, paid the fee for, and obtained a work permit from the Sheriff's Department.
- (5) Any permit for employment issued hereunder shall expire 12 months from the date of issuance unless earlier revoked or suspended. The Sheriff's Department may prescribe reasonable fees for certifying the eligibility for employment.
- (6) It shall be the duty of all licensees of a sexually oriented establishment to file with the Sheriff's Department the names of all employees with their home addresses and home telephone numbers and places of employment on a monthly basis.
- (7) Employees holding permits issued pursuant to this chapter shall at all times during their working hours have said permits available for inspection at the premises.

311 (f) Additional standards for approval of Special Use.

With respect to the issuance, renewal, or retention of a Special Use approval, any right to retain or have approved an application for such, the following standards shall apply in addition to standards stated elsewhere in this Development Code.

- (1) Where there is evidence that, even though there is compliance with the minimum distance requirements herein, the type and number of schools or number of churches or other facilities in the vicinity causes minors to frequent the immediate area.
- (2) Where there is evidence that the location or type of structure would create difficulty in law enforcement supervision.
- (3) Where there is evidence that a license for the location would be detrimental to the property values in the area.
- (4) Where there is evidence that the license in that location would be detrimental to traffic conditions or that there is a lack of sufficient parking spaces for automobiles. In addition to compliance with any other parking space requirements of this Code, a licensee shall have sufficient parking on the premises so as to provide parking for his customers and so as to prevent parking on the streets or adjoining property.
- (5) Where there is evidence that alcoholic beverages have been sold to intoxicated persons or to a minor.
- (6) Where there is evidence that the conducting of the business has violated the law or this Section, creates a disturbance, congregation of intoxicated or unruly persons, alcoholic beverages illegally on the premises, or that illegal activities have occurred on or in connection with the premises or business, or causes law enforcement officers to answer complaints or make extra surveillance of the premises.

311 (g) Lighting.

All premises shall be fully lighted both inside and outside, except during hours when the establishment is not open for business. Interior lighting shall be at least 3-1/2 foot candles per square foot.

Sec. 312 - Timbering and forestry.

Timbering and forestry operations are allowed if the tree removal represents tree harvesting undertaken as a bona fide agricultural activity.

312 (a) Bona fide agricultural activity.

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

- (1) The tract must be under an approved forestry stewardship plan or the care of a registered forester.
- (2) Douglas County Tax Commissioner has approved the property for a Preferential Agricultural Assessment or a Conservation Use Assessment.
- (3) A tree-harvesting notification has been submitted to the Tax Commissioner, as required by State law.
- (4) There is a contract for delivery of the trees between the owner/operator and an end user, such as to a mill or wood pulp company.
- (5) Best Management Practices (BMP's) required by the Georgia Forestry Commission shall be followed. This can be evidenced by a contract between the tree harvesting company and the property owner (the seller) that is consistent with the form and content recommended by the Georgia Forestry Commission. Prescribed forestry practices do not cause sediment problems.
- (6) The tree harvester is currently qualified as a Master Timber Harvester by the Georgia Forestry Commission at the time of the tree harvesting.

312 (b) Restriction on clearance along streams.

River and stream buffers required under the Environmental Protection Article of this Development Code shall be protected from all on-site activity and remain in their undisturbed natural state. Owner/operator must adhere to approved Georgia Forestry BMP's.

312 (c) Restriction on development approval of recently cleared land.

A preliminary plat for any type of subdivision or a site plan for any type of multi-family or nonresidential development shall not be approved if any portion of the property has been cleared of trees within 3 years prior to such approval request. This restriction may be waived by the Board of Commissioners upon a finding that:

- (1) The tree removal occurred as a bona fide agricultural activity; and,
- (2) A minimum basal area of at least 60 square feet per acre, distributed evenly throughout the property, was retained on the property at the time of tree removal, as certified by a qualified arborist or forester.

312 (d) Exceptions.

All maintenance on thinning operations are exempt from the requirements of Section 312(c) once a plan has been submitted and approved by the Development Services Director and/or his/her designee.

Thinning is a forest management practice that is performed at some point(s) in time during the course of development of both natural and planted pine stands. Thinning promotes the growth of individual trees within a stand by removing surrounding trees, which compete for water, sunlight and nutrients. Thinning is beneficial to the overall health of a stand of trees in order to sustain good tree health throughout the life of the stand. Thinning is practiced through several approved methods. Selection of method is based on stand density, uniformity and owner objective.

312 (e) Common thinning methods.

- (1) Row thinning - Alternate rows are removed.
- (2) Selective thinning - Individual trees are selectively removed. Tree selection is based on position form and health of the stand (insect and/or disease outbreaks).
- (3) Combination thinning - A combination of both row and selective thinning.
- (4) Strip thinning - A strip of trees (rather than rows) are removed following land contours.

Sec. 313 - Accessory buildings, uses and structures.

The following provisions apply to accessory uses or structures in all zoning districts where the principal use is otherwise allowed, whether by right or through Special Use approval.

313 (a) Provisions relating to all accessory uses.

(1) Relationship to a principal use.

- a. Where an accessory building is attached to the main building, a substantial part of one wall of the accessory building shall be an integral part of the main building through the attachment by a wall and roof, and other such requirements as applicable to the main building.
- b. No accessory use or structure shall be allowed on any lot except in relation to an existing principal use on the lot. If the lot is vacant, no accessory building, structure, or use shall be built upon a lot until construction of the principal building has commenced except for lots with a minimum of five (5) acres shall be allowed to construct a barn or similar structure such as a private, freestanding garage for the storage of equipment related to the maintenance of the property or to house farm animals.
- c. Any accessory building or structure in the AG, R-A, and R-LD zoning district on lots ranging in size from 0.34 acres (15,000 SF) up to 0.99 acres, as shown by a boundary survey, including lots in platted subdivisions, shall not exceed 1,000 SF.

Any accessory building or structure in the AG, R-A and R-LD zoning district on lots ranging in size from 1.0 acre up to 5.0 acres, as shown by a boundary survey, shall not exceed 1,000 SF except that property owners of lots meeting the size requirements above in the AG and R-A zoning districts may apply to the Development Services Director and Planning and Zoning Director for administrative approval of an additional 500 SF of building size. Property owners of lots meeting the size requirement in the R-LD zoning district may apply to the Development Services Director and Planning and Zoning Director for administrative approval of an additional 250 SF of building size. Additional square footage beyond the maximum including additional size as may be allowed with administrative approval will only be allowed through the Special Use Permit process.

Any accessory building or structure in the AG, R-A, and R-LD zoning district on lots greater than 5.0 acres, as shown by a boundary survey, shall have no limit on maximum size.

- d. Setbacks for accessory buildings and structures
 1. Accessory buildings having a floor area of 200 square feet or less must be at least 5 feet from any property line and may not be located within any front yard (i.e. between the principle building and the street)
 2. Accessory buildings having a floor area greater than 200 square feet must comply with the same side and rear setbacks as required for principle buildings in each zoning district
 3. No detached accessory building may be located in the front yard of a lot unless it is at least 100 feet from the right-of-way.
 4. When an accessory building is attached to the principle building it shall comply with the minimum setback requirements of the principal building to which it is accessory. This shall not apply to unenclosed decks.

5. Unless otherwise specified under the provisions of this code, accessory structures must be at least 10 feet from other structures and 15 feet from any street right of way and meet the required setbacks from any other property line (except driveways that connect to a street or adjoining property). Accessory structures shall not encroach upon an easement or be placed within a required stream buffer.
- e. An accessory use shall not occupy more than 30% of a side or rear yard.
- f. Accessory structures, where permitted, shall be clad in a style and façade material that matches the exterior of the principal residence or utilizes one of the approved exterior materials required for principal residences.
- g. The Development Services Director may approve an alternative façade material for an accessory building in circumstances where, in their determination, the structure will not be visible from the public right of way or visible to adjacent property owners at any time during the year. The Director shall consult with the District Commissioner before granting approval or denial of a request. In instances where the degree of visibility is in question, or for any other reason, the Development Services Director can require the applicant to apply to the Board of Commissioners for special use permit approval. Records and reports of all administrative approvals that are granted shall be maintained.

(2) Setback and height restrictions for accessory uses and structures.

Except as specifically regulated under this Section, see the setback and height restrictions for accessory buildings and structures in the Lot and Building Standards Article of this Code.

(3) All stormwater ponds and structures shall meet the principle building setbacks of the base zoning district. The Development Services Director may impose additional setbacks, as needed, from the future right-of-way as required by the Douglas County Major Thoroughfare Plan or as indicated on any roadway project plans on file with the Department of Transportation.

313 (b) Customary accessory uses to a dwelling.

Each of the following is considered to be a customary accessory use to a dwelling and may be situated on the same lot with the principal use that it serves, subject to more restrictive standards that may apply under this Section.

- (1) Private garage or carport.
 - a. Except as provided in Section 313(a), in the Residential districts generally, the freestanding detached private garage or carport may not exceed nine hundred (900) square feet in area.
 - b. Duplex uses in the Residential Districts, the freestanding detached private garage or carport may not exceed six hundred square feet for each dwelling unit.
- (2) Outdoor parking area.
- (3) Utility or storage buildings.
 - a. In the R-A, R-LD, and R-MD districts, any shed or tool room for the storage of personal items and equipment not more than 200 square feet in size must be located in the side or rear yard at least five (5) feet from property lines and ten (10) feet from other structures.

- b. In the R-HD and R-MH districts, a shed or tool room dedicated for the storage of supplies and equipment used in grounds or building maintenance shall not exceed 1,000 square feet.
- (4) Radio, television and telecommunications devices, as follows:
 - a. Any device designed for over-the-air reception of radio or television broadcast signals, or direct broadcast satellite service.
 - b. Any tower and antenna under 70 feet in total height that is owned and operated by an amateur radio operator licensed by the Federal Communications Commission.
 - c. Radio, television and telecommunications devices shall meet the same setbacks as for principal buildings for the zoning district.
- (5) Children's playhouse, playground and play equipment.
- (6) Animals. See Section 319
- (7) Kennels. For kennels, see Sec. 319.
- (8) Location of Kennels and other quarters for keeping livestock. See Section 319.
- (9) When allowed, a barn used only to store farm equipment, supplies or crops must be behind the dwelling and at least 50 feet from any property line. Additional distance may be required by Sec. 302 and 319.
- (10) Personal recreational facility accompanying a residence on a lot, such as a swimming pool and bathhouse or cabana, jacuzzi, tennis court, deck or patio.
 - a. A personal swimming pool must be located at least 100 feet from any street right-of-way, or it must be in the side or rear yard.
 - b. Pools must be enclosed by a fence or wall at least 4 feet in height with a self-locking gate.
 - c. A pool bathhouse or cabana may be built next to the swimming pool provided that it be connected to the required fence or enclosed by said fence and provided that it be at least 100 feet from any street right-of-way. A pool house contains bathroom facilities including a shower, a kitchenette, and sleeping arrangements may be subject to the requirements of the provisions in Section 318 governing short-term rentals.
 - d. An unenclosed personal recreational facility accompanying a residence on a lot , such as a swimming pool or tennis court, must comply with the same setbacks as required for principal buildings in each zoning district or as more restrictive in this section. Such setbacks apply to the facility itself, but not to any surrounding ground level patio or deck.
- (11) Clubhouse, fitness amenities, recreational facilities such as a swimming pool or tennis courts, common laundry facility, rental or management office, central mail box pavilion, dumpster or designated recycling collection location incidental to a residential subdivision, townhouse or multi-family development or manufactured home park for the exclusive use of the occupants of the development, subject to the following conditions:
 - a. Must be located within the principal building setbacks.
 - b. Outdoor activities shall cease by 11:00 P.M. with clubhouse/recreation centers, swimming pools and tennis courts.

- c. Structures designed and used for purposes of shelter in the event of man-made or natural catastrophes.
 - d. Signage and advertisement for any commercial purposes shall not be visible outside the development or intended to attract off-site customers.
 - e. An unenclosed private recreational facility, such as a swimming pool or tennis court, serving a residential subdivision, townhouse, multi-family development or manufactured home park for exclusive use of the occupants of the development must be 100' from any property line of the lot it occupies. In addition, the following minimum setbacks shall be maintained from the peripheral property lines of the development as a whole; no less than 30 feet from any rear or side property line, nor less than 50 feet from any public street line, provided further that such facilities shall not be located within 150 feet of an adjacent single family dwelling district (R-LD or R-MD). If the facility is located so as to be screened from such a single-family dwelling district by a building in the development or an accessory structure greater in length by a minimum of 20 feet on each side of such facility, the distance of 150 feet shall not be required.
- (12) Noncommercial greenhouse in excess of 200 square feet in size, located in the rear yard at least sixty feet from any street right-of-way.
- (13) Fences and freestanding walls, (but no fence shall contain any barbed wire unless used to confine one or more hooved livestock and no wooden fences are allowed except on an individual single-family lot as an accessory to a single-family home).
- a. In all residential zoning districts, and for single family detached developments within a planned unit development, a fence or free standing wall in any front yard area must be set back from the right-of-way line by at least 3 feet. No setback is required along side and rear lot lines.
 - b. For all agricultural, office/ commercial and industrial districts, a fence or free standing wall in any front yard area must be set back from the right-of-way line by at least 3 feet. No setback is required along side and rear lot lines. Fencing shall not block or obscure the required site line at driveways and intersections or diminish the sight distance required for visibility at those locations.
- (14) Garbage pad, heating and air conditioning units.
- (15) Incidental storage is permitted provided that the material stored is incidental to the permitted use and is stored completely within a portion of the enclosed, principal structure permitted within the district or within permitted accessory structures. Boats, RVs and other like items stored on a residential site must be owned by the property owner or tenant of the lot, where allowed. Adherence to the National Fire Protection Association Code 30 for flammable and combustible materials must be met including Chapter 4 of that code dealing with container storage and NFPA Code 101 (*Life Safety Code*).
- (16) Shipping Containers. A shipping container is a portable compartment in which freight is placed (as on a truck, train or ship) for convenience of movement. A shipping container is not, by definition, a building or structure. Shipping containers are not structures and do not meet the definition of storage building. Shipping containers are not permissible as accessory storage structures except as follows:

- a) A shipping container may not be used as an accessory building in a residential district unless it meets all of the provisions of the adopted building codes and meets all provisions of the UDC including but not limited to, this Article 3, Section 313.
- b) A shipping container may be used in the construction of an office, commercial or industrial building, so long as the structure meets all of the requirements of adopted building codes and meets all of the provisions of the UDC, including, but not limited to building exterior guidelines in this Article 3, Section 310.
- c) A shipping container may be used for outdoor storage in an office, commercial or industrial district with approval of a Special Use Permit in accordance with Article 3, Section 305.

313 (c) Customary accessory uses to a religious institution.

- (1) Meeting facilities.
- (2) Offices and rectories.
- (3) A religious institution may have a residence for the housing of the pastor, priest, minister, rabbi, etc. in a residential zoning district.
 - a. Minimum building separation of 15 feet between structures is required.
 - b. Customary accessory uses associated with a dwelling are permitted.
- (4) Religious classrooms, church schools and related facilities to include child day care, adult day care and similar part time programs and services as an accessory use allowed by right. A religious institution may have an accessory school with the following minimum requirements:
 - a. Minimum lot size of 3 acres for the school in addition to the minimum lot size requirement for the church or other place of worship.
 - b. Minimum public road frontage of 100 feet.
 - c. Overall parking and landscape plan for entire site to be approved by the Director of Development Services.
 - d. Temporary Classrooms require a Special Use permit.
- (5) Cemeteries and mausoleums. A church or other place of worship may have an accessory cemetery with the following minimum requirements:
 - a. Minimum lot size of 5 acres for cemetery in addition to the minimum lot size requirement for the church.
 - b. When abutting any residential property line, a 50-foot zoning buffer shall be required.
 - c. Ingress/egress shall be provided.
 - d. Compliance with all State of Georgia requirements.
- (6) Within the office/commercial zoning districts, a community food or housing shelter may be located in a religious institution as an accessory use, provided it meets the applicable minimum standards of the Community Food and Housing Section of this Article.

313 (d) Customary accessory uses to office, commercial and industrial uses.

(1) The following accessory uses are permitted in the office/commercial and industrial zoning districts

a. Heating and air conditioning units subject to the following conditions:

1. When abutting any residential property line, heating and air conditioning units shall not be located in any required setback.
2. When abutting any other non-residential district, heating and air conditioning units shall not be closer than 10 feet to a side or rear lot line.
3. Heating and air conditioning units may be installed on a roof of any structure in the commercial and industrial zoning districts so long as the heating and air conditioning units do not exceed the height restrictions of the zoning district in which the building is located, and they are screened if visible from a public right-of-way or adjoining residentially-zoned property.
4. Ground based air conditioning and heating units shall not exceed 35 feet in height.

b. Incidental storage.

Incidental storage, provided that the material stored is incidental to the permitted use and is stored completely within a portion of the enclosed, principal structure, permitted by special use in the district or within a permitted accessory structure. Adherence to the National fire Protection Association Code (NFPA) 30 for flammable and combustible materials must be met including Chapter 4 of that code dealing with container storage, and NFPA Code 101 (*Life Safety Code*)

c. Free standing parking garages, subject to the following conditions:

1. When abutting any residential property line, free standing parking garages shall not be located within any required building setback for a principal building.
2. When abutting other nonresidential districts, freestanding parking garages shall not be closer than 10 feet to any rear or side property line.

d. Manufacturing and fabrication as an accessory use.

If undertaken as an accessory use to a retail use allowed by right, such as a jewelry store, glassmaking or pottery, the manufacturing or fabrication activity may occupy no more than 25% of the gross floor area or 1,000 square feet (whichever is less). All products manufactured or fabricated on the premises must be sold on the premises as a retail activity.

e. Ancillary Retail Sales.

The retail sale of goods and services as an accessory use to a primary industrial use on a property is allowed, insofar as the goods for sale have been produced on site or are in storage at the site for planned distribution to other areas. The ancillary retail sale of goods shall only be conducted as part of the permitted industrial use and shall not be a freestanding business.

f. Heavy Truck Parking.

1. Heavy truck parking is allowed in the C-H zoning district as an accessory use with Special Use Permit approval subject to the following requirements:

- a. On a property with a minimum of 1 acre
 - b. Placed in the rear yard of the property
 - c. Placed on a paved surface
 - d. Consist of no more than 5 heavy trucks parked on the property at any given time
 - e. Fenced and screened according to the Outdoor Storage requirements of this Development Code
2. Heavy Truck Parking is allowed in the LI, LI-R and HI Districts as an accessory use by right for company-owned fleet vehicles utilized on a regular basis for the conduct of the business subject to the following requirements:
 - a. On a property with a minimum of 1 acre
 - b. Placed in the rear yard of the property
 - c. Placed on a permanent improved surface
 - d. Fenced and screened according to the Outdoor Storage requirements of this Development Code
3. Heavy Truck, Semi-Tractor over-the-road truck, long-haul truck and trailer parking as a principal use shall be subject to the requirements of Section 331 of this Development Code

g. Electric Vehicle Charging Stations.

Electric vehicle charging stations are allowed as accessory uses on any lot which is zoned and developed for office, commercial, or industrial uses such that they are at least 5 feet from any property line and not within any required zoning buffer. One parking space must be provided for each charging station on site so that vehicles charging will be out of travel lanes and the flow of traffic.

h. Accessory Quarters for Emergency Dispatch Services

Emergency Ambulance services and Special Needs Transportation services providing emergency response or on-call services that are required by State Statute to provide 24-hour response availability may contain sleeping and cooking quarters for staff manning the facility. Such quarters shall be for staff only.

(2) Development restrictions applicable to nonresidential accessory uses.

- a. No accessory building shall be constructed upon a lot until construction of the principal building has commenced.
- b. Where any non-residential lot adjoins the side or rear of a residential lot, any accessory building shall not be located within the required building setback.
- c. When an accessory building is attached to the principal building by breezeway, passageway, or similar means, it shall comply with the yard requirements of the principal building to which it is accessory.

- d. Car washes accessory to gasoline stations and convenience food stores with fuel pumps, provided the car wash is located within an enclosed building that complies with the building setbacks for a principal building.
- e. A shipping container may be used for outdoor storage in an office, commercial or industrial district with approval of a Special Use Permit in accordance with Article 3, Section 305.
- f. Exterior facades of accessory structures shall comply with the exterior requirements of the applicable district and shall be similar in style, type and appearance to the principal structure as near as practicable.

313 (e) Accessory retail uses within an office, hotel or multi-family building.

Within the R-HD, OI, CG and CH zoning districts, retail sales and services accessory to the operation of an office building or institutional use, motel, hotel, or multi-family building, must be conducted wholly within the building housing the use to which such activities are accessory, and are further subject to the following conditions:

- (1) The floor space used or to be used for such accessory uses shall be limited to a total of 25 square feet per dwelling unit in a multi-family building.
- (2) The floor space used or to be used for such accessory uses shall be limited to a total of 25 square feet per room in a hotel or motel.
- (3) The floor space used or to be used for such accessory uses shall be limited to a total of 10% of the gross floor area in an office building or institutional use.
- (4) Every public entrance to such a use shall be from a lobby, hallway, or other interior portion of the primary use structure, except for restaurants located within an office building, hotel or motel.
- (5) No show window, advertising, or display shall be visible from the exterior of the primary use structure except for a restaurant located within an office building, hotel or motel.
- (6) No merchandise shall be stored or displayed outside of the primary use structure.
- (7) The following accessory uses are permitted: barber shops, beauty shops, laundry and dry cleaning pick up and distribution stations drugstores, bookstores, florists, convenience food stores, gift shops, newsstands, cafeterias and restaurants, private clubs, fitness facilities, wellness centers, day care facilities, laundry facilities for the convenience of residents, and other similar personal service establishments.

313 (f) Accessory Dwelling Units.

- 1. Accessory dwelling units (ADUs) are small, self-contained living units that typically have their own kitchen, bedroom(s), and bathroom space. Often called granny flats, elder cottage housing opportunities (ECHO), mother-daughter residences, or secondary dwelling units, ADUs are apartments that can be located within the walls of an existing or newly constructed single-family home or can be an addition to an existing home. They can also be freestanding cottages or tiny homes on the same lot as the principal dwelling unit or a conversion of a garage or barn.
- 2. *Types of ADUs*
Detached backyard “cottage” or “bungalow”

Attached addition to existing home, with separate entrance and kitchen
Interior (upper level) attic apartment
Interior (lower level) basement apartment
Above-garage addition that serves as an apartment over the garage
Garage conversion: an attached or detached garage made into an apartment

3. Accessory Dwelling Units may be classified as Short-term rental units as prescribed and covered by the requirements under Section 318 Traveler Accommodations. It is a violation of this Development Code to utilize a permitted ADU as a short-term rental without following the requirements for short-term rentals set forth in this Development Code.
4. Attached Accessory Dwelling Unit (ADU). Accessory dwelling units which are attached or internal to the primary residence on site must be accessible through the primary structure and may be accessible directly from outside of the primary structure. These ADU are allowed by right in the AG, R-A and R-LD zoning districts such that adequate provision has been made for additional parking spaces, disposal of sewage as certified by the Douglas County Health Department, drainage, and that the square footage of the accessory dwelling does not exceed 60% of the square footage of the primary structure. In addition, the density in dwelling units per acre shall not exceed the requirements of the zone district when the primary residence and ADU are counted as two dwelling units for this calculation. Also, the lot shall be a minimum of 1 acre, and the property is owner occupied, and a single driveway shall serve both dwelling units.
5. Detached Accessory Dwelling Unit (ADU). Detached accessory dwelling units must meet the following requirements:
 - (a) The primary residence is located on a minimum of 1 acre and only one ADU may be permitted per lot.
 - (b) A Special Use Permit is required for the occupancy of the ADU on tracts of less than 1 acre. Authorization will be determined by the Board of Commissioners not to be detrimental to the neighborhood in which the lot is located as determined by the criteria established for evaluating a special use application.
 - (c) The property to which an ADU is to be added must be owner occupied and must share its driveway between the residence and the accessory apartment. No separate driveway to the ADU shall be allowed.
 - (d) Adequate provision has been made for parking, disposal of sewage, waste and drainage.
 - (e) There shall be no external entrance (doorway) to the accessory dwelling unit that faces a public street.
 - (f) The minimum heated area of the accessory dwelling unit shall be no larger than 60% of the floor area of the principal residence.
 - (g) The accessory dwelling unit is subject to annual inspection and the Special Use permit may be subject to a "show cause" hearing at any time by the Board of Commissioners for violation of any of the above rules.
 - (h) The density in dwelling units per acre shall not exceed the requirements of the zone district when the primary residence and ADU are counted as two dwelling units for this calculation

- (i) The height of the ADU shall not exceed the height requirements of the zone district for all accessory structures and shall be finished in substantially the same façade materials and style as the principal residence.

313 (g) Agricultural produce stand.

Agricultural produce stands are allowed as an accessory use to a farm in the AG and R-A Districts with the following requirements:

- a. The sale of products and commodities raised on the premises is permitted, provided that no structure for such sales shall be closer than 50 hundred feet to any side or rear property line.
- b. No such structure for the sale of such commodities may exceed five hundred square feet in floor area.

Sec. 314 – Small Box Discount Retail Stores.

Section 314(a) – Requirements

1. All new Small Box Discount Retail Stores shall be located no closer than 2.5 miles from another Small Box Discount Retail Store. For purposes of determining distance, 2.5 miles shall be measured from the center of the parcel containing a small box discount retail store for a radius of 2.5 miles. Any parcel or portion thereof within the radius shall be considered within 2.5 miles.
2. Small Box Discount Retail Stores shall be accessed on a major arterial only.
3. The use shall not involve the outdoor storage of materials or goods associated with the retail establishment unless specifically approved by Special Use Permit and meeting all the fencing and screening requirements as prescribed under Article 3, Section 305. Materials within outdoor display areas are excluded from this requirement.

Sec. 315 – Asphalt plants and concrete plants.

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

315 (a) Use restrictions.

- (1) Asphalt mixing shall be a sealed process.
- (2) Compliance with all applicable state and federal laws regulating these uses.
- (3) All necessary state and federal permits be obtained prior to application.
- (4) Noise abatement and air pollution abatement plans to be approved by county staff.
- (5) Spill containment plan to be approved by appropriate county staff and comply with O.C.G.A. Section 12-8-60 and comply with all rules and regulations of the Georgia Department of Natural Resources, Environmental Protection Division including but not limited to Sections 391-3-4-.11, and 391-3-4-.15.
- (6) Fire prevention, evacuation, and safety plan to be approved by the fire safety inspector.
- (7) Cleaning of vehicles and containers shall be performed so that runoff shall not enter the sanitary sewer system nor shall it runoff into adjoining properties.

315 (b) Site requirements.

- (1) Minimum site to be 5 acres.
- (2) No use shall be located closer than 1,000 feet from any residentially zoned land or school property line.
- (3) Facility shall not be located within the Dog River or Bear Creek.
- (4) Local streets and streets in recorded subdivisions shall not be used as part of any truck traffic route giving access to the facility. The entrance or entrances shall be directly off a state or federal highway or a major or minor county thoroughfare as shown on the land use and thoroughfare plan and truck traffic routes and entrances to the facility shall be approved by the county engineer.

Sec. 316 - Automobile storage yards and wrecker services.

Establishments that provide for the removal and temporary storage of vehicles as automobile towing storage yards and wrecker service yards for damaged or confiscated vehicles must meet the following requirements:

- (1) Provided any such use is located no closer than one thousand feet to any free-flowing creek, stream, or river and not located within the one hundred-year (100-year) floodplain and that any such use shall have no direct discharge or spillover into any free-flowing creek, stream, or river.
- (2) Such automobiles shall not be held longer than provided by State law or 120 days, whichever is more stringent.
- (3) Local streets and streets in recorded subdivisions shall not be used as part of any truck traffic route giving access to the facility, but facility shall be located with direct access to a US Highway, Georgia State Highway or County Major Arterial Street with a minimum 100 foot right-of-way or shall be located within 500 feet of said roadway classifications with the condition that said 500 feet of road segment shall be improved to Major Arterial status and entrances to the facility shall be approved by the county engineer.
- (4) Facility shall not be located within the Dog River, Bear Creek, or Sweetwater Creek Drainage Basins.
- (5) Such use shall be surrounded by a solid masonry wall, polymer or composite based material opaque fence, or imitation-wood vinyl fence at least eight feet tall.
- (6) No dismantling, repair, sale of parts, or any other such activity shall be conducted unless allowed as a salvage, junk or wrecking yard and complies with the requirements of Sec. 346.
- (7) Such use shall be located at least 100 feet from any residential district or use.
- (8) Comply fully with all state regulations relating to these facilities.

Sec. 317 - Automotive repair or maintenance.

The provisions of this Section apply to any establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, light trucks (under 5,000 pounds gross vehicle weight) and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups, and transmission work, provided it is conducted within a completely enclosed building and which may also include auto inspections or maintenance and repair of belts, hoses, fluids, and similar maintenance.

- (1) Automotive repair or maintenance uses shall not be established on a lot that is either adjacent to, or directly across the street from, any residential zoning district without receiving a special use permit from the Douglas County Board of Commissioners.
- (2) The use shall comply with the requirements of Sec. 331 if gasoline or diesel fuel is dispensed on the property.
- (3) If located within an office or commercial zoning district, the following shall apply:
 - a. Outside storage of parts or non-operable vehicles must be entirely screened from view from any street or adjacent property by a solid masonry wall, imitation-wood vinyl fence or polymer or composite based material opaque fence at least eight feet tall.
 - b. The building shall not exceed 8,000 square feet in floor area.
 - c. An emission or auto inspection station may be an accessory use to an automotive repair facility, provided that it is contained within a fully enclosed structure.
 - d. Vehicles under repair or maintenance at an enclosed automotive repair shop may not remain in the property for more than 180 consecutive days.
 - e. Any newly established auto repair or maintenance facility that is proposing to occupy an established building and/ or improved site, will be required to comply with all site design standards of this Code, including but not limited to, parking requirements, landscaping standards, fencing and screening, buffers, and stormwater management.
 - f. Any newly established auto repair or maintenance business that is proposing to occupy a previously established automotive repair or maintenance facility will be subject to an inspection by the Building Department to ensure compliance with all applicable building codes and the Planning Zoning Department to ensure compliance with parking standards.

Sec. 318 – Traveler Accommodations - Short-Term Lodging.

Section 318(a) – Traveler Accommodations and Short-Term Lodging; Defined

Traveler Accommodations: Include establishments that provide lodging or short-term accommodations for travelers, vacationers, and others, which may or may not have a resident “Innkeeper” or manager and may include such types as:

1. Hotels/ motels: a business establishment offering temporary lodging to the traveling public while away from their normal place of residence, and often including a restaurant as an accessory use.
2. Country Inn/ Bed and Breakfast Inn/Air B&B: A business establishment operated within a dwelling by the owner/ occupant (Innkeeper/Lodging Provider), offering temporary lodging and one or more meals to guests while away from their normal places of residences, and containing a limited number of guest rooms.
3. Vacation Rental Home/ Short Term Rental: A dwelling unit or portion thereof that can be rented from a Lodging Provider, or accessory dwelling unit that can be rented for a duration of occupancy of less than 30 days to a single party.
4. Recreational and Vacation Camp: Establishments primarily engaged in operating overnight recreational vehicle camps and parking areas, family vacation camps, hunting and fishing camps, and outdoor adventure retreats, that may or may not offer trail riding, white water rafting, hiking, and similar activities. These establishments provide accommodation facilities, such as cabins and fixed campsites along with RV and Travel Trailer parking spaces, and other amenities, such as food services, recreational facilities and equipment, and organized recreational activities. This includes Recreational Vehicle (RV) and travel trailer parking areas and primitive or prepared campsites/ campgrounds.
5. Rooming and Boarding Houses: An owner-occupied dwelling within which a resident family offers lodging or lodging and meals to two or more persons not under the resident’s parental or protective care in exchange for monetary compensation or other consideration.
6. Dormitories: A building used as group living quarters for transient workers, a student body or religious order or as an accessory use for a college, university, boarding school, convent, monastery or other similar training institution or facility.
7. Rental Agreements versus Tenant Leases: Renting lodging accommodations for a period of more than 24 hours and up to 30 days is classified as a short-term rental and subject to the requirements of this Section 318. Leasing to a tenant for a period of more than 30 days is not a short-term rental subject to the requirements of this Section 318. Renting a dwelling unit for a period less than 24 hours or for purposes other than traveler accommodation/ lodging may be subject to the requirements under the Temporary Events section of this Article.

Section 318(b) Hotels and Motels; requirements

This industry comprises establishments primarily engaged in providing short-term lodging in facilities known as hotels, motor hotels, resort hotels, and motels. The establishments in this industry may offer

food and beverage services, recreational services, conference rooms, convention services, laundry services, parking, and other services.

1. Restrictions and Requirements
 - a. Minimum lot size. Every lot containing a hotel or motel shall have an area of at least two acres.
 - b. Minimum setback. A hotel or motel shall have a minimum setback of 100 feet from any residential district.
 - c. Public safety access. Every hotel or motel building where guests are lodged must have a 25-foot-wide corridor surrounding the building for nonexclusive access by public safety vehicles. The corridor must be separated from the exterior of the building by at least 20 feet, but not more than 50 feet.
2. Amenities for long-term stay. If any unit available for occupancy by a guest within the hotel or motel contains cooking facilities, the hotel or motel shall provide recreational amenities, such as a swimming pool, exercise equipment, dog park, or playground area.

Section 318(c) Bed and Breakfast and Country Inn Establishments; requirements

Housekeeping rooms, cabins and cottages: A private, owner-occupied residence may be operated by the owner as an Innkeeper/ lodging provider for a bed and breakfast inn, Air B&B or a country inn if the use is subordinate and incidental to the primary residence and meets the following requirements:

1. Use restrictions.
 - a. In an agricultural or residential zoning district, a bed and breakfast Inn may contain no more than 4 guest rooms. A country inn may contain from 4 to not more than 10 rooms. In an office or commercial zoning district, a bed and breakfast inn, Air B&B or a country inn may contain 19 or fewer rooms, all of which must be accessed from within the building.
 - b. A bed and breakfast Inn or Air B&B shall not contain restaurant facilities but may provide food service for transient guests only. A country inn may contain full-service restaurant facilities that provide meal services to guests and the public.
 - c. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent. Individual rooms that are rented shall not contain cooking facilities.
 - d. Catering, parties, weddings, or special events are permitted in a country inn, but not in a bed and breakfast Inn or Air B&B.
 - e. The exterior appearance of the structure shall not be altered from its single-family character unless the changes are approved by the Board of Commissioners as a Special Use.
 - f. In an agricultural or residential zoning district, the owner of the bed and breakfast inn, Air B&B or country inn must reside on the property.
 - g. Maximum length of stay shall not exceed 30 days.
 - h. In all agricultural and residential zone districts, short term rentals – Bed and Breakfast, Air B&B and Country Inn Establishments shall be considered a special use.

2. Site Restrictions.
 - a. No bed and breakfast or country inn facility may be established in an approved subdivision.
 - b. No parking area for guests is to be located closer than 25 feet to any residential property line.

Section 318 (d) Vacation Rental Homes; requirements

1. Short-term rentals including Tourist homes: AirBnB, HomeAway, VRBO, and Accessory dwelling units (ADUs) -- Generally.
 - a. In all agricultural and residential zone districts, Short-term rentals shall be considered a special use and shall require an Occupational License from the County along with registration with the Clerk of the County for payment of the Motel Excise Tax by the lodging provider as required under Chapter 12, Article XI of the Code of Ordinances.
2. A license placard provided by the community development department must be prominently displayed on the front facade of the structure in a location clearly visible from the street during all periods of occupancy.
3. Sheds, garages, tents, and similar temporary or permanent structures that have not been granted a Certificate of Occupancy for habitation are not permitted for use as a short-term rental, nor are recreational vehicles permissible as short-term rentals except as provided herein under Section 318(e) below.
4. Only one short term rental unit is allowed per property and only one party of guests are permitted per short term rental.
5. Use of the short-term rental for any commercial or social events on-site is prohibited.
6. The short-term rental shall appear as a residential dwelling from the street.
7. Short term rentals shall not adversely affect the residential character of the neighborhood, nor shall the use generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any neighbor's enjoyment of their property or residence.
8. Short term rentals shall meet all applicable zoning, building and fire codes.
9. Non-resident employees are prohibited.
10. Temporary short-term rentals must have an in-town property manager and emergency contact available at all times.
11. Temporary-short-term rental licenses allow a maximum 30 rental nights at one time.
12. Occupancy is limited to two guests per bedroom or a total of ten guests, whichever is less.

Section 318(e) Recreational Camps and Campgrounds; requirements

This comprises establishments engaged in operating family vacation camps, hunting and fishing camps, and outdoor adventure retreats, and agri-tourism and agri-business enterprises that may or may not offer trail riding, hiking, and similar activities. These establishments provide accommodation facilities, such as cabins and fixed campsites along with RV and Travel Trailer parking spaces, and other amenities as an accessory use to a principle recreational or agribusiness enterprise on the property.

1. Use Restrictions for Campgrounds, Camping Resorts and Primitive Campgrounds:
 - a. All Campgrounds, Camping Resorts and Primitive Campgrounds may only be established as an accessory use to a recreational or agribusiness enterprise principle use and require a special use approval prior to establishing the use.
 - b. The following items are specifically required to accompany the special use application:
 - i. The area and dimensions of the subject tract or parcel,
 - ii. Topography across the tract,
 - iii. Number, location, design and layout of all campsites,
 - iv. Layout of interior roads and parking areas,
 - v. Location and size of all structures to be included in the development,
 - vi. Type and placement of screening or fencing
 - vii. Buffer zones,
 - viii. Landscaping,
 - ix. Placement of refuse containers and waste disposal sites,
 - x. Plan for park lighting;
 - xi. Water supply and system,
 - xii. Sewage disposal system,
 - xiii. Drainage plan,
 - xiv. Construction and design features of interior roads, parking areas and buildings,
 - xv. Existing vegetation and vegetation proposed to be retained.
 - c. A permanent office structure shall be established to serve for on-site registration and as the office of the campground attendant.
 - d. All service buildings to be used in the design and development of campgrounds shall be permanent structures, meeting International Building Code requirements. Such service buildings may include restrooms, vending area, laundry and bathing facilities.
 - e. All structures shall be setback from shorelines or streams at least 200 feet
 - f. Minimum Area: Minimum area for a campground or camping resort shall be ten (10) acres.
 - g. Density: Maximum density within a campground or camping resort shall be 15 campsites per acre.
 - h. Access: There shall be no more than two access points from public roads, streets or highways into any campground or camping resort.
 - i. Buffer Zone: The outer boundaries of all campgrounds and camping resorts shall contain a fifty-foot buffer zone consisting of a landscaped greenbelt with coniferous tree and shrub plantings. No campsites shall be within 50 feet of the campground or camping resort outside boundary or within 200 feet of an adjoining residence.
 - j. Campsite Identification: All campsites within campgrounds or camping resorts shall be marked with permanent markers and numbered indicating each corner of the lot.
 - k. Campsite Dimensions: Campsites within a campground or camping resort shall have minimum dimensions of not less than 40 feet wide and 50 feet long and the corners of said sites shall be marked by permanent markers or stakes and numbered.

- l. Campsite Sales Prohibited: Individual campsites within a campground or camping resort shall not be sold or transferred.
- m. Restroom Facilities: The campground management shall provide toilet facilities for each sex. There shall be a minimum of one set of facilities plus additional facilities for each 15 campsites.
- n. Sewage System: An adequate and safe community sewage system or public sewers shall be provided in all campgrounds. Such systems shall be designed, constructed and maintained in accordance with the Douglas County Health Department and any other applicable state codes.
- o. Water Supply: An accessible, adequate, safe and potable supply of water shall be provided to all lots within campgrounds and camping resorts. Where a public supply of satisfactory quality and pressure is available at the boundary of the campground, connection shall be made thereto, and its supply shall be used exclusively. When a satisfactory public water supply is not available, a private community water supply shall be developed and used as approved by the Douglas County Health Department. Individual sources for each campsite shall not be permitted.
- p. Drainage: Every campground shall be located on a well-drained area not subject to intermittent flooding. The premises shall be properly graded to prevent the accumulation of storm or other waters that may create hazards to the health and safety of the occupants. No campsite shall be located in any area that is situated so that the drainage from any source of pollution can be deposited thereon. Exposed ground surfaces in all parts of every parking area shall be paved or covered with stone screenings or other solid material or protected with vegetative growth capable of preventing soil erosion and eliminating objectionable dust.
- q. Camping on Residential Lots Not Within Campgrounds or Camping Resorts: Camping on undeveloped lots which are not within campgrounds or camping resorts is not permitted.
- r. Parking: Every campsite shall be provided with at least one off-street parking space.
- s. Accessory Uses: Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a recreational vehicle park are permitted as accessory uses, provided: that such establishments and their related parking areas shall not occupy more than 10% of the total campground area, shall be subordinate to the recreational character of the camp, and shall be located, designed and intended to serve primarily the needs of the campground occupants and no evidence of the commercial character of any accessory use shall be visible which would attract customers other than occupants of the campground.

Section 318(f) Rooming and Boarding Houses; requirements

An owner-occupied dwelling within which a resident family offers lodging or lodging and meals to two or more persons not under the resident's parental or protective care in exchange for monetary compensation or other consideration.

1. Restrictions and Requirements.

- a. In a single-family residence in Residential Zone Districts, the portion of the dwelling licensed as an accessory short-term rental is limited to four bedrooms, and occupancy is limited to eight guests and shall require an Occupational License from the County.
- b. There must be at least one bedroom in the dwelling for the owner-occupant.
- c. The owner-occupant shall occupy the dwelling and be present during any short-term rental occupancy.
- d. Proof of owner-occupancy will be established by verification in the name of the applicant.
- e. In a commercial or office institutional district, Rooming and Boarding Houses shall have a resident manager (who may also be an owner) and shall be limited by the commercial, office, and institutional district development requirements in the lot and building standards Article of this UDC.

Section 318(g) Dormitories and Worker Camps; requirements

A building used as group living quarters for transient workers, a student body or religious order or as an accessory use for a college, university, boarding school, convent, monastery or other similar training institution or facility.

1. Restrictions and Requirements.

- a. Dormitories or worker camps shall be considered a special use and shall require an Occupational License from the County.

- n. Sewage System: An adequate and safe community sewage system or public sewers shall be provided in all campgrounds. Such systems shall be designed, constructed and maintained in accordance with the Douglas County Health Department and any other applicable state codes.
- o. Water Supply: An accessible, adequate, safe and potable supply of water shall be provided to all lots within campgrounds and camping resorts. Where a public supply of satisfactory quality and pressure is available at the boundary of the campground, connection shall be made thereto, and its supply shall be used exclusively. When a satisfactory public water supply is not available, a private community water supply shall be developed and used as approved by the Douglas County Health Department. Individual sources for each campsite shall not be permitted.
- p. Drainage: Every campground shall be located on a well-drained area not subject to intermittent flooding. The premises shall be properly graded to prevent the accumulation of storm or other waters that may create hazards to the health and safety of the occupants. No campsite shall be located in any area that is situated so that the drainage from any source of pollution can be deposited thereon. Exposed ground surfaces in all parts of every parking area shall be paved or covered with stone screenings or other solid material or protected with vegetative growth capable of preventing soil erosion and eliminating objectionable dust.
- q. Camping on Residential Lots Not Within Campgrounds or Camping Resorts: Camping on undeveloped lots which are not within campgrounds or camping resorts is not permitted.
- r. Parking: Every campsite shall be provided with at least one off-street parking space.
- s. Accessory Uses: Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a recreational vehicle park are permitted as accessory uses, provided: that such establishments and their related parking areas shall not occupy more than 10% of the total campground area, shall be subordinate to the recreational character of the camp, and shall be located, designed and intended to serve primarily the needs of the campground occupants and no evidence of the commercial character of any accessory use shall be visible which would attract customers other than occupants of the campground.

Section 318(f) Rooming and Boarding Houses; requirements

A Dwelling within which a resident family, lodging provider or manager offers lodging or lodging and meals to two or more persons not under the resident's parental or protective care in exchange for monetary compensation or other consideration.

- 1. Restrictions and Requirements.
 - a. In a single-family residence in Residential Zone Districts, the portion of the dwelling licensed as an accessory short-term rental is limited to four bedrooms, and occupancy is limited to eight guests and shall require an Occupational License from the County.

- b. There must be at least one bedroom in the dwelling for the owner-occupant.
- c. The owner-occupant shall occupy the dwelling and be present during any short-term rental occupancy.
- d. Proof of owner-occupancy will be established by verification in the name of the applicant.
- e. In a commercial or office institutional district, Rooming and Boarding Houses shall have a resident manager (who may also be an owner) and shall be limited by the commercial, office, and institutional district development requirements in the lot and building standards Article of this UDC.

Section 318(g) Dormitories and Worker Camps; requirements

A building used as group living quarters for transient workers, a student body or religious order or as an accessory use for a college, university, boarding school, convent, monastery or other similar training institution or facility.

- 1. Restrictions and Requirements.
 - a. Dormitories or worker camps shall be considered a special use and shall require an Occupational License from the County.

Section 319 – Animals

319 (a) Domesticated animals allowed

1. In the AG and R-A districts domesticated animals will be allowed when associated with a commercial farming activity, per Article 2, Table 2.2 of this Code.
2. In the A-G, R-A and R-LD districts, domesticated animals, including horses, mules, donkeys, goats, swine and ponies are allowed as an accessory use for the personal use and pleasure of the family residing on the property at the rate of not more than one (1) such hooved animal per one (1) full acre of land. The total number of animals or animal units may not exceed the total acreage of the site and the calculation shall be rounded down to the nearest whole number of animals. When added together, a special use permit shall be required for keeping more than twenty-four(24) poultry, pigeons, rabbits and other similar animals typically considered to be pets for the personal use and pleasure of the family residing on the premises on lots that are at least one (1) acre in size, except that roosters are strictly prohibited in platted subdivisions. For lots that are not a part of platted subdivisions, roosters may only be kept on lots that are five (5) full acres or larger. For lots that are one (1) full acre in size, but less than five (5) full acres in size, a rooster may only be kept on the lot if there is a minimum of 500 feet between all residential structures.

For parcels over one (1) acre in size, no additional poultry, pigeons, rabbits and other small animals are allowed, but they will constitute one animal unit for calculating the maximum number of total animals allowed when kept in combination with horses, mules, donkeys, goats, swine, ponies or similar. For all animals, the one (1) full acre of land must be entirely contained within the boundaries of the parcel where the keeping of said animals will occur. Wild and exotic animals are prohibited in all districts except in the A-G, Agricultural District with a special use permit or within the confines of a zoo facility permitted for such purpose in the appropriate zone district.
3. In all residential districts, dogs and cats raised outside for the personal pleasure of the resident of the lot, not to exceed a total of four such mature animals per dwelling. The keeping of domesticated animals in the home for companionship are not restricted in number, however keeping of said indoor animals is for the personal pleasure of the resident of the lot and accessory to the use as a residence.

319 (b) Separation required for uses

1. A livestock sales pavilion must be at least 300 feet from the property line of any property occupied by a residence.
2. Manure and other waste storage containers or pits for agricultural waste impoundment must be at least 300 from the property line of any property occupied by a residence.
3. A feedlot must be at least 200 feet from the property line of any property occupied by a residence.

4. A livestock enclosure of any type must be at least 200 feet from the property line of any property.
5. A commercial stable for horses must be at least 200 feet from the property line of any property occupied by a residence.
6. A private stable for horses must be at least 150 feet from the property line of any property occupied by a residence.
7. A kennel must be at least 150 feet from the property line of any adjoining property occupied as a residence.
8. A structure for domestic pets raised outside for the personal pleasure of the resident of the lot, owned by the occupants of the dwelling and kept for non-commercial purposes shall be at least 25 feet from all property lines.
9. Any stable, kennel, livestock enclosure or the housing of domestic pets must be at least 200 feet from any street right-of-way.
10. In addition to the requirements above for animal enclosures, all animals shall be maintained at least 150 feet from any residence on adjoining property in existence when the permit is approved.

319(c) Acreage restrictions

1. Livestock sales pavilions, feedlots and hog parlors shall be conducted on tracts of land not less than 20 acres in area.
2. Commercial stables and commercial livestock enclosures shall be conducted on tracts of land not less than 10 acres in area.
3. Kennels in non-commercial zone districts shall be conducted on land not less than 10 acres in area and must have a 25' vegetative buffer adjacent to any adjoining residential property. Kennels in commercial or industrial districts shall provide a 50-foot fenced and landscaped buffer against any residential zoning and be conducted on land not less than 1 acre in size unless completely surrounded by other commercial or industrial zoning and then on not less than the minimum lot size for that specific zone district and all overnight housing of animals shall be contained within an enclosed and soundproofed structure designed for such use.
4. Commercial stables shall provide 2 full acres of land for each horse housed on the property temporarily or permanently.

319 (d) Confinement requirements

1. All animals associated with property used for a commercial farming activity, livestock sales pavilion, feedlot, commercial stable, private stable or kennel shall be maintained within a fully fenced area.

2. All other animals allowed by this Article shall be confined so as to not violate the regulations of Chapter 5 of the Douglas County Code of Ordinances, Douglas County Animal Control Ordinance.
3. Enclosed structures housing animals shall provide rodent-proof containers for containing animal feed.
4. Enclosures for fowl shall provide approximately 2 square feet per animal for smaller fowl such as chicken (*Gallus gallus*), Guinea fowl, Grouse (*Galliformes*) and similarly sized species. Enclosures for larger fowl such a turkey, geese, swans, and such shall be approximately 4 square feet per animal.
5. The keeping of exotic birds or crowing birds such as peacock, ostrich, or emu in any number shall require a special use permit.

319 (e) Provisions applying to specific uses

1. Veterinary offices
 - a. In the OI zoning district, veterinary offices and animal clinics may not have outside runs or pens
 - b. All veterinary offices must provide adequate pet walk areas that are both grassed and screened with either a wooden, or imitation wood vinyl fencing or polymer or composite based material opaque fence and landscaping
 - c. No pet walk may be established in any required parking lot or other landscaping strip or required buffer area. Signage must be placed in the required parking lot and other landscaping strips as well as buffer area that no pet walking is allowed in those areas.
2. Community equestrian facility
 - a. A stable included as a community amenity in a platted subdivision must meet the requirements of a commercial stable in Section 319 (b) and 319 (c)
3. Non-profit animal rescue corporation
 - a. Non-profit animal rescue corporations, which do not exceed the conditions and restrictions set forth in this Article may operate under the conditions and restrictions set forth in Section 334(b) for a Home Occupation.
 - b. Non-profit animal rescue corporations which exceed the conditions set forth in this section will remain under the conditions and restrictions of this Article for a kennel, livestock enclosure or commercial stable.
4. Dog grooming, daycare, boarding on training facilities in non-residential zoning districts
 - a. Dog grooming, daycare, training or boarding facilities that are either adjacent to residential uses or located in a multi-tenant leasable commercial space must

Sec. 320 - Car, boat and recreational vehicle dealers, sales and service facility.

An establishment for sales of new or used automobiles and small trucks less than one ton, boats, motorcycles and recreational vehicles shall meet the requirements of this Section.

- (1) Where such an establishment is an authorized dealer of new cars, small trucks less than one ton, boats motorcycles and recreational vehicles, a service facility may also be permitted provided such service facility meets the requirements of a general automotive repair establishment and all surfaces where vehicles are stored or displayed for sale and all parking areas shall be paved.
- (2) Such establishments that deal in used vehicles only shall not have any service facility on the premises unless approved as a Special Use.
- (3) All new and used car dealers can only offer cars for sale on the lot for which the auto dealers license was issued by Douglas County Occupational Tax.
- (4) No individual shall offer for sale or advertise for sale any vehicle except in accordance with O.C.G.A. § 40-2-39.1.

Sec. 321 - Car/automobile brokers.

- (1) No automobile broker shall have any cars, trucks, or recreational vehicles on the lot of the office location.
- (2) All automobile brokers are allowed as OFFICE ONLY and no transfer of vehicles or recreational vehicles shall occur at the office location.

Sec. 322 – Car washes.

General Provisions

(1) Purpose and intent.

The purpose of this ordinance is to reduce water consumption from commercial car wash facilities by requiring all new conveyor car washes to install operational recycled water systems.

(2) Applicability.

- (a) This ordinance applies to all new conveyor car washes permitted and constructed after August 2, 2011, regardless of the water source.
- (b) The provisions of this ordinance do not apply to conveyor commercial car washes that were permitted or constructed before August 2, 2011.
- (c) The provisions of this ordinance do not apply to self-service car washes or in-bay car washes.

(3) Commercial car wash recycling requirement.

All new commercial conveyor car washes, permitted and constructed after August 2, 2011, must install operational recycled water systems. A minimum of 50% of water utilized will be recycled.

Sec. 323 – Cemeteries, mausoleums and crematories.

A cemetery allowed as a principal use on a property must meet the requirements of this Section. Cemeteries that are allowed as accessory uses to a religious institution or other place of worship must comply with the provisions of Section 313 (c)(5).

323 (a) New cemeteries.

Cemeteries for human or animal interment are required to meet the following minimum requirements:

- (1) Minimum lot size of 10 acres.
- (2) All graves or burial lots shall be set back not less than 200 feet from any property line or street right-of-way line.
- (3) Minimum public road frontage of 100 feet.
- (4) Permanent public ingress/egress shall be provided.
- (5) Compliance must be maintained

323 (b) Mausoleums.

Mausoleums are permitted in conjunction with a cemetery provided that all requirements for the cemetery have been satisfied.

323 (c) Existing cemeteries.

Any cemetery or place of burial recognized by Douglas County Tax Commissioner as tax exempt (under O.C.G.A. 48-5-41), and any "family plot" or other burial ground discovered on the site, must be protected under the requirements of State law (O.C.G.A. 36-72-1 et seq.). State law currently defines "burial ground" and "cemetery" as follows:

- (1) "Burial ground" means an area dedicated to and used for interment of human remains. The term shall include privately owned burial plots, individually and collectively, once human remains have been buried therein. The fact that the area was used for burial purposes shall be evidence that it was set aside for burial purposes.
- (2) "Cemetery" or "cemeteries" means any land or structure in this state dedicated to and used, or intended to be used, for interment of human remains. It may be either a burial park for earth interments or a mausoleum for vault or crypt interments or a combination of one or more thereof.

Sec. 324 - Religious Institutions and similar places of public assembly.

Religious Institutions including churches, chapels, temples, synagogues and other such places of worship, and civic and social organizations and similar places of public assembly must meet the following minimum requirements:

- (1) No parking areas or driveways shall be established within 20 feet of another lot in a residential zoning district, and all parking areas and driveways shall be paved. The location of all curb cuts must be approved by the county engineer.
- (2) Any existing religious institution with or without accessory facilities not meeting the minimum acreage standards of this section as of June 7, 1994, may erect an addition or add accessory structures or uses provided that:
 - a. All other provisions of this section including setbacks and buffers are met; and
 - b. All parking requirements for religious institutions and accessory facilities are met.
- (3) A zoning buffer at least 25 feet wide meeting the requirements of the Landscaping, Buffers and Tree Conservation Article of this Code shall be maintained along the side and rear property lines that abut a residentially zoned district.
- (4) If located in any residential zoning district, the following shall apply:
 - a. The site must contain at least 5 acres and have frontage of at least 200 feet on an arterial or collector street.
 - b. Any building or structure established in connection with these uses shall be set back not less than 75 feet from any property line.
 - c. The use shall be permitted only on a lot that abuts a major or minor thoroughfare or a collector street, from which all access to the property shall be derived.

Sec. 325 - Convention center.

Convention centers, including banquet halls, meeting facilities, special events spaces, and other facilities designed for public or private assemblies are subject to the following requirements:

325 (a) Plan approval.

All proposed sites to be used as a convention center must be submitted to the Development Review Committee (DRC) for review and approval.

- (1) Traffic and parking plan to be approved by the County Engineer and Department of Transportation
- (2) Hours of operation to be approved by the Planning and Zoning Department
- (3) Noise abatement plan to be approved by the Planning and Zoning Department

325 (b) Site requirements for a convention center or amphitheater.

- (1) A maximum site area of 2 acres unless a larger site is approved through special use approval.
- (2) A minimum of a fifty-foot wide zoning buffer of trees shall be preserved and/or established and maintained adjacent to all abutting residentially zoned property lines. The Douglas County Arborist may approve an alternative buffer for existing buildings.
- (3) The use shall be located on minor or major arterials only.

Sec. 326 - Community and neighborhood recreation centers.

326 (a) Community recreation centers.

Noncommercial or nonprofit community centers such as YMCA, YWCA, Girls or Boys Clubs and senior centers must meet the following requirements:

- (1) Minimum site area of 5 acres; and
- (2) In the agricultural and residential zoning districts, a zoning buffer at least 25 feet wide, meeting the requirements for zoning buffers in the Landscaping, Buffers and Tree Conservation Article of this Code, be planted and maintained along all side and rear property lines.

326 (b) Neighborhood recreation centers.

Neighborhood recreation centers, amenities, and swimming pools are subject to the following:

- (1) Site plans must be approved by the Department of Development Services to ensure compliance with all applicable laws and provisions of this Code. The facility shall be designed to accommodate no more than those residing within the surrounding and adjoining residential developments.
- (2) Buildings and structures established in connection with such use shall be set back not less than 100 feet from any property line.
- (3) Swimming pools must comply with all applicable ordinances and must have necessary approvals from the Health Department and Building Inspector.
- (4) Outdoor activity shall cease by 11:00 p.m. and not begin prior to 8:00 a.m.
- (5) Lighting shall be established in such a way that quiet use and enjoyment of adjacent properties are not adversely affected, and that roadways and safe use thereof are not adversely affected. No direct light shall be cast upon adjacent properties or roadways. If lighting is to be established, it shall be shown on the landscaping plan for the project.
- (6) No residence or structures shall be built upon any adjacent lot within the development within which the facility is located until construction of the recreation area has commenced to the extent that buyers of adjacent property will be aware of where the recreation area will be located.

Sec. 327 - Community food and housing shelters.

Charitable, non-profit, short-term housing and/or room and board accommodations for poor, transient, or needy individuals shall meet the following minimum criteria:

- (1) Adequate showers and restroom facilities must be provided at the location to meet the needs of overnight guests.
- (2) Beds must be provided for all overnight guests excluding staff and volunteer workers.
- (3) Guests of the shelter shall be required to leave the shelter premises no later than 9:00 A.M.
- (4) All premises shall be maintained in a clean, safe, and sanitary fashion.
- (5) Within the office/commercial zoning districts, a community food or housing shelter may be located in a church or other place of worship as an accessory use, provided it meets the above minimum standards of this Section.
- (6) No shelter shall be located closer than 500 feet to the nearest single-family property line measured from the closest corner or wall of the shelter.

Sec. 328 - Day care.

328 (a) Family day care home.

Day care for up to 8 children as an accessory use to a residence is subject to the following requirements:

- (1) A family day care home is allowed in the AG, RA and R-LD zoning districts.
- (2) A maximum of 6 children for whom compensation is received plus a maximum of two children related to the caregiver for whom compensation is not received.
- (3) For purposes of this section only, children who are related by blood, marriage or adoption to the childcare provider shall not be included in the calculation of the 6 children limitation, with the total maximum of no greater than 8 children at any one time.
- (4) The family day care home must be registered with the day care licensing division of the Georgia Department of Human Resources and proof of such registration must be submitted to, and maintained current with, the Development Services Department.
- (5) The family day care home shall comply with all provisions relating to a home business under Section 334 (c), except that there shall be no additional employees.
- (6) No off-street parking may be provided for child pick up and drop off, and all outward appearance of the day care use shall be prohibited other than normal play equipment associated with a residence. All play areas shall be fenced with a self-locking gate.

328 (b) Group day care facility.

Day care for up to 18 adults or children is subject to the following conditions:

- (1) A maximum of 18 adults or children for whom compensation is received.
- (2) Outdoor play areas shall be provided in the rear or side yards for all group day care facilities and shall be enclosed by a 6-foot high polymer or composite based material fence, solid hedge, wall, imitation-wood vinyl fence, or dark vinyl-coated chain link fencing. All outdoor play areas shall be separated from driveways, streets and parking areas. The fencing or vegetation used as a visual screen shall not block or obscure the required site line at driveways and intersections or diminish the site distance required for visibility at those locations.
- (3) Group day care facilities shall provide adequate areas for the safe drop-off and pick-up of children. These areas shall be off-street in a driveway, turnaround or parking area.
- (4) When within or adjacent to a residential district, the facility may operate for a 14 hour period per day with outdoor activities limited to daylight hours between 8:00 a.m. to 8:00 p.m. in order to limit noise impacts to neighboring residents.
- (5) All group day care facilities shall obtain necessary state licenses and shall be operated in conformance with all applicable state and local regulations.
- (6) When operated as an accessory use, the group day care facility shall be located within a nonresidential building and otherwise comply with all requirements of this Subsection, above.
- (7) A group day care facility operated as a principal use shall comply with all of the property development and performance standards for the zoning district in which it is located, and shall not be located within 300 feet of another group day care facility.

328 (c) Day care center.

Day care for nineteen or more adults or children is subject to the following:

- (1) Outdoor play areas shall be provided in the rear or side yards for all group day care facilities and shall be enclosed by a 6-foot high polymer or composite based material fence, wall, imitation-wood vinyl fence, or dark vinyl-coated chain link fencing. All outdoor play areas shall be separated from driveways, streets and parking areas. The fencing or vegetation used as a visual screen shall not block or obscure the required site line at driveways and intersections or diminish the site distance required for visibility at those locations.
- (2) When within or adjacent to a residential zoning district, the day care center may operate for a 14 hour period per day with outdoor activities limited to daylight hours between 8:00 a.m. to 8:00 p.m. in order to limit noise impacts to neighboring residents.
- (3) All day care centers shall obtain necessary state licenses and shall be operated in conformance with all applicable state and local regulations.
- (4) When operated as an accessory use, the day care center shall be located within a nonresidential building and otherwise comply with all requirements of this Subsection, above.
- (5) A day care center operated as a principal use shall comply with all of the property development and performance standards for the zoning district in which it is located, and shall not be located within 300 feet of any other day care center or group day care facility.

Sec. 329 - Drive-in theaters.

The following restrictions apply:

- (1) The volume or concentration of traffic will not create a safety hazard or impede normal traffic flow.
- (2) The theater site is not within 500 feet of an existing residence.
- (3) The face of the screen is not visible from any expressway, freeway, arterial, or collector street located within 2,000 feet.

Sec. 330 - Fallout shelters.

Fallout shelters are permissible as accessory uses in any district, subject to the following conditions:

- (1) If any portion of the structure extends above the ground, then the portion above the ground must comply with the yard and lot coverage regulations of the district in which it is located, and the site plan for such shelter must be approved by the building inspector.
- (2) If the structure is completely underground, it need not comply with yard requirements or percentage of lot coverage requirements.
- (3) A fallout shelter may only be located in the side or rear yard when an accessory use.
- (4) Fallout shelters may be contained in a principal building or may be constructed separately as an accessory use. If constructed separately, it must be located in the side or rear yard.

Sec. 331 – Gasoline stations, truck stops and heavy truck parking facilities, and convenience stores with fuel pumps

Any use that dispenses gasoline or diesel fuel, whether as a principal or accessory use, shall comply with the requirements of this Section. Any heavy truck parking facility, whether as a principal or accessory use, shall comply with the requirements of this section.

331 (a) General requirements.

- (1) Facilities shall not be within 100 feet of any residential property or properties containing a school, public playground, church, hospital, public library or institution for children or dependents.
 - a. The circulation and parking area of the heavy truck parking facilities must be at least 200 feet from any residential property. Heavy truck parking and circulation areas must be at least 100 feet from any property lines and separated from adjoining residential property by a 50 foot buffer.
- (2) The site shall have at least 125 feet of frontage on a major collector or arterial street and have a minimum lot area of 1 acre unless more restrictive requirements of this Development Code apply.
- (3) Vehicle access drives and curb cuts, including those for entrances, exits, and other similar facilities on public streets, shall be no greater than 40 feet wide, as measured at its narrowest point parallel to the street, and the driveway radius shall terminate no closer than 10 feet to an adjoining property line, no closer than 40 feet to a street intersection, and 40 feet from another driveway, or shall meet GDOT requirements, if greater, on state routes.
- (4) There shall not be more than 2 driveways from the same property along a single street, which must be separated by at least 100 feet.
- (5) All operations except for the sale of gasoline or diesel fuel, truck stops and truck parking facilities, shall be conducted in an enclosed building.
- (6) No gasoline pump or edge of canopy shall be located closer than 20 feet to any right-of-way line, or the following distance from the centerline of the following streets, whichever is greater:
 - a. U.S. or State numbered highway: as required by the Georgia Department of Transportation.
 - b. Arterial street: 80 feet from the centerline.
 - c. Major collector street: 70 feet from the centerline.
 - d. Minor collector street: 60 feet from the centerline.
 - e. Local commercial or industrial street: 50 feet from the centerline.

f. Local residential street: a distance equal to the front setback required by the zoning district for a principal building.

(7) There shall be no rental of trucks, trailers, hand tools, garden tools, power tools or other similar equipment as an incidental part of the operation.

(8) Car or truck washes on the property shall be enclosed within a building, located within a side or rear yard only, and located at least 50 feet from the property line.

(9) A well impact and soil survey must be approved by Environmental Health and the Board of Commissioners prior to issuance of a building permit.

331 (b) Requirements for full-service gasoline stations.

A building or structure used for the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories, and supplies, including installation and minor services customarily incidental, are subject to the following in addition to the general requirements of this Section:

(1) No major automobile repairs such as engine overhaul, transmission and differential repairs, body and fender work and other repairs of a similar nature shall be performed.

(2) No outside storage of parts or non-operable vehicles.

(3) Building shall not exceed 8,000 square feet in floor area.

(4) An emissions or auto inspection station may be an accessory use to a gasoline service station provided it is fully enclosed in a permanent building.

331 (c) Truck stops.

Establishments that cater to the fueling needs of the trucking industry are subject to the following in addition to the general requirements of this Section:

(1) All uses other than the dispensing of fuel must be contained within a single principal building. Such building may contain convenience shopping space, a restaurant, TV viewing and recreation lounges, rest room facilities, showers and dormitory space, but cannot be larger than 10,000 square feet in gross floor area.

(2) No major repairs such as engine overhaul, transmission and differential repairs, body and fender work and other repairs of a similar nature shall be performed on the site.

(3) No outside storage of parts or non-operable vehicles is permitted.

(4) Truck parking areas must be at least 300 feet from any residential property and separated from adjoining residential property by a 200-foot wide zoning buffer.

331 (d) Convenience stores with fuel pumps.

A convenience store with fuel pumps is subject to the following in addition to the general requirements of this Section:

- (1) The convenience store shall not exceed 3,000 square feet in gross floor area unless located on a State or U.S. numbered highway or other major arterial road.
- (2) There shall be no automotive repairs done on site.
- (3) No video games shall be located in a convenience store with a gross floor area of greater than three thousand square feet.

331 (e) Heavy truck parking facilities without accessory uses.

Establishments that cater solely to the parking needs of the heavy trucking industry – which excludes truck stops - establishments that cater to the fueling needs of the trucking industry - are subject to the following requirements in addition to the general requirements of this Section.

- (1) Heavy truck parking facilities as a principal use without accessory uses may be permitted to provide heavy truck parking, which is defined as parking for a duration of more than twenty-four (24) hours per vehicle, for the following classes of trucks, as defined in Article 6, §602:
 - a. Heavy Truck: A heavy truck is a motor vehicle with two or more rear axles or commercial vehicles that have a gross vehicle weight of 10,001 pounds or more. For purposes of this definition, each component part of a heavy truck, such as the semi-trailer and truck tractor are considered heavy trucks, whether or not they are connected to another component or stand alone. School busses are not considered "heavy trucks."
 - b. Semi-Trailer: A trailer with a set or sets of wheels at the rear, the forward portion of which is designed to be supported by the truck tractor or towing vehicle. For the purpose of this definition, flatbeds designed to be hauled by truck tractors are included as semi-trailers.
 - c. Truck Tractor: A heavy motor vehicle consisting of a truck cab designed to tow semi-trailers.
- (2) Heavy truck parking facilities shall be located on property with a minimum of four (4) acres with direct access to a US Highway, Georgia State Highway or County Major Arterial Street with a minimum 100 foot right-of-way or shall be located within 500 feet of said roadway classifications with the condition that said 500 feet of road segment shall be improved to Major Arterial status, unless otherwise approved by the Director of Development Services.
- (3) On-street heavy truck parking is strictly prohibited.

(4) Heavy truck parking facilities as a principle use are allowed with Special Use Permit Approval in L-I and H-I zoning districts. Heavy Truck parking facilities are allowed as an accessory use with Special Use Permit approval in the C-H zone district. Heavy truck parking facilities are allowed as an accessory use by right for company owned fleet vehicles in the LI, LI-R, and HI zone districts.

(5) Parking may be provided on permanent improved surface (including crushed stone or asphalt millings) for heavy trucks – including truck tractors and semi- trailers – weighing 10,001 pounds or more provided that:

- a. The vehicle access drive is a minimum of 24 feet wide and has a paved driveway apron extending 100 feet into the property from the right of way.
- b. Gates or access control features for vehicle access shall not be installed within 75 feet of the right of way

(6) Upon establishment of a principal lot, accessory overflow satellite lots are permitted provided:

- a. Such space lies within 400 feet of the main entrance to the site where principal use occurs.
- b. Such lots shall be associated with the original permitted use and shall meet all requirements of the Unified Development Code for the original lot. These lots shall not thereafter be reduced or encroached upon in any manner, including accessory uses.

(7) Parking must be screened with landscaping subject to approval of the county arborist.

- a. A minimum 20' wide landscape strip adjacent to the street right-of-way shall be provided. Every 100 feet of linear landscape strip must include a minimum of 3 canopy trees, 3 understory trees, 2 evergreen coniferous trees, and 18 shrubs.
- b. Side and rear landscaping: Unless otherwise required in Article 8 of the Unified Development Code, all side and rear yards shall have landscaped buffers of a minimum of 15' in width in addition to maintaining a 50-foot buffer from residential properties. These buffers may utilize existing mature trees but must be supplemented if the natural buffer does not provide a minimum of 80% opacity between the proposed use and adjacent use, unless it abuts Interstate 20. These plantings shall include a mixture of canopy trees (50% must be evergreen), understory trees, evergreen coniferous trees, and shrubs.
- c. Perimeter fencing is required. Fencing must be decorative metal or dark vinyl- coated chain-link. If dark vinyl-coated chain-link fence is chosen, landscaping must be external to the fencing.

- (8) Truck stop electrification equipment must be provided for a minimum of 25% of the parking spaces.
- (9) No truck or automobile repairs are allowed on site except minor emergency repairs to restore vehicle operability. No dismantling, sale, or major repairs such as engine overhaul, transmission and differential repairs, body and fender work and other repairs of a similar nature shall be performed on the site.
- (10) No long-term storage of parts, non-operable, or abandoned vehicles is permitted.
- (11) Heavy truck parking facilities must provide adequate security measures to control access and safeguard their patrons.
 - a. The facility must include a light source that provides a minimum level of security. If lighting is included in the site design, it must comply with Section 1026 Outdoor lighting of this code.
- (12) No vehicles shall be listed or advertised either directly or indirectly as being for sale while parked on the premises

Sec. 332 – Golf Courses.

Golf courses are subject to the following requirements:

332 (a) Minimum course standards.

New golf courses shall meet United States Golf Association requirements for regulation play and must provide at least 18 holes covering a minimum course distance of 5,500 yards, except as follows:

- (1) A golf course incorporated into a residential development or master planned development may be a regulation 9-hole course with a minimum course distance of 3,000 yards.
- (2) A course meeting the United States Golf Association requirements for an executive golf course (minimum course distance of 4,000 yards) may be incorporated into an office park development or master planned development.

332 (b) Lighting restrictions.

Lighting shall not adversely affect adjacent properties or roadways. No direct light shall be cast upon adjacent or nearby properties.

332 (c) Accessory uses to a golf course.

The following accessory uses are permitted in association with a golf course:

- (1) Country club or clubhouse, which may include:
 - a. Tennis courts and other recreational courts.
 - b. Swimming pools.
 - c. Food service with an 18-hole regulation or executive golf course only.
- (2) Pro shop with an 18-hole regulation or executive golf course only.
- (3) Putting green.
- (4) Cart rental and staging area.
- (5) A driving range is allowed as an accessory use to a golf course only with Special Use approval.
- (6) Buildings used to house equipment solely for the maintenance and operation of the golf course, not to exceed 3,000 square feet.

332 (d) Use limitations.

- (1) Two thousand square feet of gross floor area for pro shop.
- (2) Forty thousand square feet for a clubhouse or country club with an 18-hole regulation or executive golf course.
- (3) Ten thousand square feet for a clubhouse with a 9-hole regulation golf course.
- (4) Any building, structure or automobile parking area established in connection with this use shall be set back not less than 100 feet from any property line. All automobile drives and parking areas shall be paved.

- (5) Loud speakers are not allowed if adjacent to a residential zoning district or master planned development.

Sec. 333 - Heliports, private use.

A private use heliport shall meet the following minimum standards:

333 (a) Compliance with FAA guidelines.

The development of a private use heliport shall be in accordance with the guidelines specified in the Federal Aviation Administration.

333 (b) Takeoff and landing area.

- (1) Private use heliports shall, as a minimum, have a takeoff and landing area 1½ times the overall length of the largest helicopter expected to use the facility. The surface of the area shall be grassed, paved or treated as may be required to minimize dust or blowing debris.
- (2) The owner of a private use heliport shall erect a safety barrier around the peripheral area surrounding the takeoff and landing area. The safety barrier shall be a fence, wall or hedge no less than three feet in height and fully enclosed with a self-locking gate.

Sec. 334 – Businesses in the Home/Home occupations.

The purpose of this section is to provide performance standards to ensure the right of an individual to reasonably pursue an occupation on the property on which he or she resides, while keeping in mind that such a right shall not interfere with the reasonable peace and enjoyment of those residing on adjoining parcels and in the general vicinity. A business in the home or home occupation is permitted as an accessory use in any zone district allowing principle residential dwellings units subject to the restrictions of this Section.

334 (a) Home occupations; defined.

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

- (1) **Home Office:** A home occupation that is limited to an office use and does not involve visits or access by the public, suppliers or customers, and does not involve the receipt, maintenance, repair, storage or transfer of merchandise at the home.
- (2) **Home Business:** A home occupation that is limited to the use of a practicing professional or artist, to a family day care home, or to the office use of the operator of a business and may involve very limited visits or access by clients or customers, but does not involve the maintenance, repair, storage or transfer of merchandise received at the home.
- (3) **Cottage Industry/Maker Business:** A cottage industry/maker business is a more intensive form of home-based business, having more employees, more floor area used for the business, or other signs of greater use of a residential parcel for business purposes. A cottage industry / maker business. like a home occupation, remains clearly subordinate to the use of the parcel and dwelling for residential purpose.

334 (b) Home office.

- (1) Permitted activities.
 - a. The principal residence of the owner/operator of every home-based office shall be the dwelling unit on the premises in which the business operates. A home office shall be limited to the personal conduct of a business within one's that place of residence, subject to the provisions of this Subsection.
 - b. A home office is allowed by right as an accessory use to a residential dwelling.
- (2) Limitations on size and location.
 - a. The floor area devoted to the home office must not exceed 25 percent of the gross floor area of the dwelling unit or 500 square feet (whichever is less). This limitation applies to the aggregate floor area of all areas devoted to the home office, whether located within the dwelling or in an accessory structure.

- b. There shall be no activity or display associated with the home office outside of any building or structure.
- c. The home office shall be located and conducted in such a manner that the average neighbor under normal circumstances would not be aware of its existence.
- d. The building in which that the home office is to be located must be an existing structure and not a proposed structure. No new structures may be constructed specifically for the home business. No exterior alteration of the residence or accessory buildings shall be made.

(3) Activity controls.

a. Sales.

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

b. Transfer of goods.

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

c. Personal services.

There shall be no activities on the premises that are associated with personal service occupations such as a barber shop, beauty shop, hairdresser or similar activities.

d. Manufacturing.

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

e. Employees.

1. There shall be no associates or employees on the premises other than other members of the family who reside on the premises.

2. Any off-site employees of the business shall not congregate on the premises for any purpose concerning the occupation.

f. Outsiders and nonresidents on the premises.

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

g. Parking and storage.

1. No materials, equipment or business vehicles shall be stored or parked on the premises unless they are confined entirely within the

residence or an enclosed garage, except that one business vehicle (the carrying capacity of which shall not exceed one and one-half tons) used exclusively by the resident may be parked in a carport, garage or rear or side yard. This shall not include earth-moving equipment or a wrecker, dump truck, flat bed truck, tow truck, or any truck with more than 6 wheels or more than 2 axles, or any van capable of carrying more than 15 passengers, including the driver.

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

h. Lights and nuisances.

There shall be no exterior lighting of the building or property that is not in character with a residential neighborhood.

(4) Access for Inspection. Upon the receipt of a complaint, an employee of Douglas County may request to enter a structure housing a home occupation to determine whether or not the home occupation complies with the conditions of this section.

334 (c) Home business.

(1) Permitted activities.

a. The principal residence of the owner/operator of every home-based business shall be the dwelling unit on the premises in which the business operates. A home business shall be limited to the personal conduct of a business within that place of residence, subject to the provisions of this Subsection.

b. A home business is allowed as an accessory use to a residential dwelling except that a home business entertaining in excess of one customer per hour shall require approval of a special use.

c. The applicant must be the owner/occupant of the property on which the home business is to be located or must have written approval of the owner of the property if the applicant is a tenant.

(2) Limitations on size and location.

a. The floor area devoted to the home business must not exceed 25 percent of the gross floor area of the dwelling unit or 750 square feet (whichever is less). This limitation applies to the aggregate floor area of all areas devoted to the home office, whether located within the dwelling or in an accessory structure.

b. There shall be no activity or display associated with the home office outside of any building or structure.

c. The home business shall be located and conducted in such a manner that the average neighbor under normal circumstances would not be aware of its existence.

d. The building in which that the home business is to be located must be an existing structure and not a proposed structure. No new structures may be constructed specifically for the home business. No exterior alteration of the residence or accessory buildings shall be made.

(3) Activity controls.

a. Sales.

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

b. Transfer of goods.

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

c. Personal services.

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

d. Manufacturing.

1. There shall be no manufacturing, assembly or fabrication of products on the premises other than items of artistic value or items normally produced in a home, such as baked goods or woodworking products.

2. No mechanical equipment shall be used for the home business except such equipment as is customary for household, artistic and hobby purposes.

e. Employees.

1. Only persons living in the dwelling unit plus one nonresident employee shall be located on the premises.

2. Any off-site employees of the business shall not congregate on the premises for any purpose concerning the occupation.

f. Outsiders and nonresidents on the premises.

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

g. Parking and storage.

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

h. Lights and nuisances.

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

- (4) Access for Inspection. Upon the receipt of a complaint, an employee of Douglas County may request to enter a structure housing a home business to determine whether or not the home occupation complies with the conditions of this section.

334 (d) Cottage Industry/Maker Microbusiness

(1) Permitted activities.

- a. Cottage Industries/Maker Microbusinesses shall be allowed in the residential zoning districts only upon issuance of a Special Permit subject to the provisions of this Subsection:
- b. Cottage Industry activities shall take place within a principal dwelling unit, accessory building, or private recreation or venue area (e.g., swimming pool, tennis court, riding arena, animal enclosure or event space) subject to the provisions of this Subsection. Private recreation areas may only be used when conducting a home business clearly related to the recreation area being used.
- c. A Cottage Industry/Maker Microbusiness is allowed as an accessory use to a residential dwelling upon approval as a Special Use.

- d. All Special Use Permits for a cottage industry/maker microbusiness use are non-transferable and issued to a specific applicant for a specific cottage industry/maker microbusiness on a specific parcel.
- e. The applicant must be the owner of the property on which the home business is to be located or must have written approval of the owner of the property if the applicant is a tenant.
- f. Special Use Permits for a Cottage Industry/Maker Microbusiness may be revoked by the Board of Commissioners for cause after reasonable notice to the holder of the permit and following a public hearing held in accordance with this Development Code.

(2) Limitations on size and location.

- a. The floor area devoted to the Cottage Industry/Maker Microbusiness must not exceed 33 percent of the gross floor area of the dwelling unit or 1000 square feet (whichever is less). This limitation applies to the aggregate floor area of all areas devoted to the business, whether located within the dwelling or in an accessory structure. A cottage industry may be conducted wholly within the residential dwelling or accessory structures on the parcel such as sheds, detached garages, and barns which may be used for conditioned or unconditioned space for conducting the business or storage of materials for the business.
- b. The Cottage Industry/Maker Microbusiness shall be located and conducted in such a manner that the average neighbor under normal circumstances would not be aware of its existence. Required zoning setbacks may be increased for a cottage industry subject to the review of the Special Use for any activity that could potentially detract from the agricultural-residential area but that is not deemed incompatible with the neighborhood. Potentially detracting activities include, but are not limited to: employee parking areas, loading zones, and storage sheds. Additional screening may also be required by the Special Use to shield these accessory uses from abutting residential lots.

(3) Activity controls.

- a. Sales.

There shall be no exchange of merchandise between seller and buyer on the premises except for items produced by the Cottage Industry/Maker Microbusiness.

- b. Transfer of goods.

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

c. Personal services.

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

d. Manufacturing/making.

1. Manufacturing, assembly or fabrication of products on the premises shall be limited to items of artistic value or items normally produced in a home, including, but not limited to baked goods, dressmaking, knitting, the manufacture of crafts, woodworking, drawing, painting, and sculpting or the creation of products utilizing 3D-printing technology. Makers are potters, jewelers, metalsmiths, woodworkers, seamstresses, fabric artists, designers, cooks, chefs, artists, doodlers, printers, painters, candlestick makers and more.

e. Employees.

1. Only persons living in the dwelling unit plus no more than five (5) employees who do not live on the premises shall be permitted to work on the premises at any one time for a Cottage Industry use.

f. Outsiders and nonresidents on the premises.

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

g. Parking and storage.

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

h. Lights and nuisances.

1. There shall be no exterior lighting of the building or property that is not in character with a residential neighborhood.

2. No home business shall create noise, dust, vibration, smell, smoke, electrical interference, fire hazard, or any other hazard or nuisance to a greater or more frequent extent than that usually experienced in an average residential occupancy.

(4) Access for Inspection. Upon the receipt of a complaint, an employee of Pueblo County may request to enter a structure housing a home occupation to determine whether or not the home occupation complies with the conditions of this section.

334 (e) Expiration of Special Use approval.

Special Use approval for a home business or Cottage Business/Maker Microbusiness shall expire under the following conditions:

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

334 (f) Prohibited Home Occupations, Businesses and Cottage Industries.

1. Any occupation requiring the use of hazardous materials of a type or quantity not normally associated with residential uses;
2. Motor vehicle repair and auto body work;
3. Machine shops;
4. Equipment and machinery rental;
5. Boat repair.

Sec. 335 - Horse and riding stables, private.

A building for the shelter and feeding of horses as an accessory use to a residential use is subject to the following: See Section 319.

Sec. 336 - Manufactured home parks.

A manufactured home park is subject to the following provisions of this Section.

336 (a) General.

- (1) Site planning shall adapt to individual site conditions and the type of market to be served, reflect advances in site planning techniques, and be adaptable to the trends in design of the manufactured home itself. Site planning shall utilize terrain, existing trees and shrubs and rock formations. A stylized pattern shall be avoided.
- (2) Objective: Site planning improvements shall provide for facilities and amenities appropriate to the needs of the occupants.
- (3) Arrangement of structures and facilities: The site, including manufactured home stand, patios, structures, and all site improvements, shall be harmoniously and efficiently organized in relation to topography, the shape of the plot, and the shape, size, and position of structures and common facilities. Full attention shall be paid to use, appearance and livability. Special attention shall be given to new manufactured home designs and to common appurtenances that are available.
- (4) Adaptation to site assets: The manufactured home unit shall be fitted to the terrain with a minimum disturbance of the land. Existing trees, rock formations, and other natural site features shall be preserved to the extent practical. Favorable views or outlooks shall be emphasized by the plan.
- (5) Protection from adverse influences: Adequate protection shall be provided against any undesirable off-site views or any adverse influence (such as heavy commercial or industrial use, heavy traffic, or brightly lighted activities) from adjoining streets and areas.
- (6) Suitability of site improvements: All site improvements shall be appropriate to the type of development and durable under the use and maintenance contemplated.

336 (b) Restrictions.

- (1) Maximum residential density: There shall be a maximum density of not more than 6 manufactured home dwelling units per acre.
- (2) Each manufactured home lot shall be provided with water, electrical, sewer and refuse collecting facilities approved by the Douglas County Health Department, Douglas County Building Inspector, and the Water and Sewer Authority. Utility lines shall be underground.
- (3) Minimum site: 20 acres.
- (4) The minimum road frontage is 50 feet.
- (5) No space or manufactured home shall be rented for a period of less than 30 days.
- (6) Zoning buffer and shade trees: An undisturbed zoning buffer at least 25 feet deep along all exterior property lines will be required, meeting zoning buffer standards in the Landscaping, Buffers and Tree Conservation Article of this Code. In addition, a chain link or better fence at least 6 feet in height shall be required along every exterior property line. Each park shall be landscaped with shade trees, preferably with suitable mature trees which were established on the site prior to development.

- (7) All primary conservation resource areas, as defined in this code, shall be set aside under a natural resource or conservation easement drawn in accordance with the Environmental Protection Article of this Development Code.
- (8) All streets within the park shall be lighted with a minimum spacing of 200 feet each.
- (9) All off-street parking areas or spaces shall be paved and shall have direct access to an interior street; no direct driveway access shall be permitted between manufactured home spaces and any exterior street.
- (10) Minimum driveway width is 10 feet and must be paved. All manufactured home spaces must have direct access to streets within the park.
- (11) A copy of the park management rules and regulations must be submitted to the Development Services Department for approval. The park operator will be responsible for compliance with these regulations by all tenants. Failure to abide by these regulations or any of Douglas County Manufactured Home Park Requirements will be considered a valid reason for revoking the manufactured home park permit required to operate a manufactured home park in Douglas County.
- (12) Manufactured housing placed within the park must meet all requirements regarding manufactured housing as outlined within this Code, including but not limited to the provisions of Sec. 307.
- (13) All exposed ground surfaces in all parts of the manufactured home park shall be paved, covered with crushed stone, or protected with grass or other vegetative cover that is capable of preventing soil erosion and of eliminating objectionable dust.
- (14) In addition to the customary accessory uses to a dwelling allowed under Section 313 (a)(2), the following shall apply:
 - a. A manufactured home may not be used as an accessory building in the manufactured home park.
 - b. Convenience retail sales space may be provided within a building in the park, limited to no more than 25 square feet of gross floor area per manufactured home space. Outdoor display or storage of merchandise and gasoline pumps are specifically prohibited.

336 (c) Manufactured home stand (pad).

- (1) Objective: The stand shall provide for practical placement on and removal from the lot of the manufactured home and retention of the home on the lot in a stable condition and in satisfactory relationship to its surroundings.
- (2) Size: The size of a development will be acceptable to HUD-FHA if it is suitable for the general market to be served by the individual proposal and fits the dimensions of manufactured homes anticipated.
- (3) Location: The location of each manufactured home stand shall be at such elevation, distance, and angle in relation to the access street and the manufactured home accessway that placement and removal of the manufactured home is practical.
- (4) Gradient: There shall be a longitudinal gradient of zero degrees to five degrees and an adequate crown or cross-gradient for surface drainage.

- (5) Construction: Appropriate material, properly graded, placed and compacted so as to be durable and adequate for the support of the maximum anticipated loads during all seasons shall be used.
- (6) Special facilities: Special manufactured home stand facilities shall be provided as necessary to properly serve new units. Special situations may require special facilities such as hurricane anchors in some locations.
- (7) Distances between stands and structures: These criteria are for the purpose of assuring privacy, adequate natural light and air, and convenient access to the units; and to provide for circulation around the unit for such outdoor uses as are considered essential to the manufactured home.
 - a. Open space depth: Open space depth is the clear open space that lies in any direction away from a manufactured home stand at any point on the manufactured home stand. It is measured in a line that is perpendicular (at right angles) to the stand line. This depth shall equal, at any point measured, no less than 4 feet plus 10 percent of the length of the stand. For purposes of design the outline of the actual manufactured home proposed and the outline, of the manufactured home stand are considered the same.
 - b. Distances between manufactured homes: Every manufactured home shall be at least twenty feet from every other manufactured home and from every building.
 - c. Distance across streets: The distance from the line or corner of any manufactured home stand to any stand on the opposite side of a street shall be thirty-six feet minimum.
 - d. Distance to common areas: The distance from the line or corner of the manufactured home stand to a street pavement, a common parking area, a common walk or other common area shall be ten feet minimum.
- (8) Distance to development boundaries: The distance from the line or corner of any manufactured home stand to every boundary line of the manufactured home park shall be no less than forty feet.

336 (d) Streets.

- (1) General: Streets shall be provided on the site where necessary to furnish principal traffic-ways for convenient access to the manufactured home stands and other important facilities on the property.
- (2) Recognition of existing facilities: The street system shall be designed to recognize existing easements, utility lines, etc., which are to be preserved; and to permit connection to existing facilities where necessary for the proper functioning of the drainage and utility systems.
- (3) Circulation: The street system shall provide convenient circulation by means of minor streets and properly located collector streets. Closed ends of dead end streets shall be provided either with an adequate paved vehicular turning circle at least eighty feet in diameter, or with another adequate turning facility.
- (4) Pavement widths: Pavements shall be of adequate widths to accommodate the contemplated parking and traffic load in accordance with the type of street.
 - a. All entrance streets and other collector streets with guest parking, both sides—36 feet minimum.*
 - b. Collector street with no parking—30 feet minimum.*
 - c. Minor street with parking on one side—28 feet minimum.*

- d. Minor, cul-de-sac, or one-way streets with no parking—26 feet minimum.*

*Reduce by two feet if adjacent sidewalk is provided.

- (5) Alignment and gradient: Streets shall be adapted to the topography and shall have suitable alignment and gradient for traffic safety, satisfactory surface and ground water drainage, and proper functioning of sanitary and storm sewer systems. In no case shall the gradient be flatter than two percent or steeper than twelve percent.
- (6) Intersections: Street intersections shall generally be at right angles. Offsets at intersections of more than two streets at one point shall be avoided.
- (7) Extent of improvements: The street improvements shall extend continuously from the existing improved street system to the site. They shall provide suitable access to the manufactured home stand and other important facilities on the property, adequate connections to existing or future streets at the boundaries of the property, and convenient circulation for vehicles.
- (8) Grading: Streets shall be graded for their full width to provide suitable finish grades or pavement and any sidewalks with:
 - a. adequate surface drainage; and,
 - b. convenient access to the manufactured home stands and other important facilities on the property .
- (9) Curbing: All streets, drives, and parking areas shall be curbed and guttered to the specifications of Douglas County.
- (10) Subgrade: The subgrade shall be well drained, uniformly graded, and compacted.
 - a. The pavement base shall be a minimum of four inches thick and composed of crushed stone or gravel compacted to the maximum practical density.
 - b. The wearing surface shall be of bituminous concrete a minimum of one and one-half inches thick compacted to the maximum practical density.
- (11) Rigid pavement: Where Portland cement concrete is used, it shall not be less than five inches thick on a prepared subgrade constructed in accordance with accepted practices, with expansion joints where driveways and walks abut each other or the curb.
- (12) Other surfacing: Appropriate local road material properly placed and compacted so as to be impervious and durable under the use and maintenance contemplated shall be used.
- (13) Seasonal limits: Streets shall be laid during favorable weather conditions; subgrade and base shall be frost-free.
- (14) All manufactured home lots shall have access to an interior paved drive not less than 26 feet in width.
- (15) Three feet hard surface walkways shall be provided from manufactured home spaces to service buildings.
- (16) All interior drives and walkways shall be lighted at night.

336 (e) Accessway to manufactured home stand.

- (1) Objective: Convenient access shall be provided to each manufactured home stand for maneuvering the manufactured home into position. The access shall be kept free from trees and other immovable obstructions.
- (2) Width: The width of the accessway shall be a minimum of sixteen feet or the width required by current manufactured home models plus extra width necessary for maneuvering a manufactured home on a curve.
- (3) Alignment and gradient: The accessway shall have safe alignment and gradients adequate to prevent contact of the under carriage of the manufactured home. In no case shall the gradient be steeper than twelve percent.
- (4) Surface: Pavement of the reserved accessway is not required; use of planks, steel mats, or other means during the placement of a manufactured home is considered satisfactory for the infrequent moves occurring with non-transient occupancy.

336 (f) Recreation facilities.

- (1) Extent: Recreation areas and facilities, such as playgrounds, swimming pools, and community buildings, shall be provided to the extent necessary to meet the anticipated needs of the tenants the park is designed to serve. Provision of separate adult and tot lot recreation areas is encouraged.
- (2) Location: Recreation facilities generally shall be provided in a central location and shall be convenient to the project community center. A location adjacent to the community center is preferable for efficient construction, use, and maintenance of all facilities. In larger parks, however, recreation facilities can be decentralized.
- (3) Recreation area:
 - a. Size: Not less than eight percent of the gross site area shall be devoted to recreation facilities.
 - b. Design: The area shall be designed appropriately for its intended use and location.
- (4) Equipment:
 - a. Design: Appropriate for intended use and location.
 - b. Construction: Durable to withstand weather and use; firmly fixed in place where possible.

336 (g) Management office and other common facilities.

Location: The structure or structures containing the management office and other common facilities shall be conveniently located for the uses intended. Consolidation of laundry, recreation, management, and other common facilities in a single building and location is acceptable if the single location will adequately serve all manufactured home lots.

336 (h) Grading design.

- (1) Objectives:
 - a. To preserve desirable site features where practicable.
 - b. To provide diversion of water away from buildings, patios, and manufactured home stands.
 - c. To prevent standing water and soil saturation detrimental to structures and to lot use.

- d. To provide disposal of water from each lot or other site, except as necessary for controlled irrigation.
 - e. To provide appropriate finish grades for safe and convenient access around structures for their maintenance.
- (2) Protective slopes of unpaved areas around buildings, stands, and patios:
- a. Grades shall slope downward from patios and stands, from all walls and foundations of structures, and from water supply wells to adequate outfalls or to drainage swales discharging to adequate outfalls.
 - b. The vertical fall of grades generally shall be a minimum of six inches.
 - c. The horizontal length of grades generally shall be not less than ten feet except when restricted by lot lines or property lines and when necessary for controlled irrigation.
 - d. The gradient shall be a minimum of one-fourth inch per foot (two percent).
- (3) Acceptable slopes of other unpaved areas:
- a. Areas subject to ground frost generally shall have a slope of not less than one-fourth inch per foot (two percent).
 - b. Areas not subject to ground frost generally shall have a slope of not less than one-eighth inch per foot (one percent).
 - c. In areas where controlled ponding is permitted for irrigation on lots, emergency overflows shall be provided to an adequate outfall to protect structures, stands and patios.
 - d. Useable yard areas shall be a maximum of two and one-half inches per foot (twenty-one percent) away from structures, patios and stands for a minimum four foot distance, except as limited by lot lines.
 - e. All other areas shall have slopes with a maximum ratio of two feet horizontal to one foot vertical unless held by satisfactory existing cover or rock outcropping.
 - f. The top and bottom of banks shall be rounded for convenient maintenance.
- (4) Stormwater disposal:
- a. All areas shall slope to lower elevations off the site or to drainage structures on the site.
 - b. Unpaved drainage swales formed by intersecting slopes shall be of adequate depth and width. Their longitudinal gradient shall be not less than required for other unpaved areas. Permanence and maintenance of off-site drainageways shall be assured by public right-of-way, by easements, or by other means. No unpaved swales shall be formed in fill embankments.
 - c. Emergency surface drainage overflow for drain inlets or catch basins shall be provided to prevent flooding against structures and wells in the event of failure of the underground drainage structures.
- (5) Construction: Rough and finish grading shall comply with current instruction.
- a. A complete set of construction drawings for the proposed manufactured home park is to be submitted to the engineering department for approval before construction begins. No clearing or grading will start until a grading permit is issued by the engineering department.

- (6) Prior to occupancy, all of the above must be completed and approved by the governing authority of Douglas County.

336 (i) Tenant storage.

- (1) Objective: Adequate storage facilities on or conveniently stored in the typical manufactured home.
- (2) Design, location and size of storage facilities: Unless provided in current manufactured home models, storage facilities shall be provided on the lot, or in compounds located within a reasonable distance, generally not more than one hundred feet from each stand. Storage facilities shall be designed in a manner that will enhance the appearance of the development and shall be constructed of suitable weather-resistant materials appropriate under the use and maintenance contemplated. They shall provide a minimum of ninety cubic feet of space.
- (3) Fuel oil storage: In areas where oil heating of a manufactured home is customary, a fifty gallon fuel storage facility shall be provided in each manufactured home lot. The storage facility will be placed underground.
- (4) Accessory buildings and uses such as recreation, laundry, maintenance and office facilities necessary for management of a manufactured home park will be allowed. However, no permanent addition will be built onto or become apart of any manufactured home unit.

336 (j) Lot sales.

Individual manufactured home lots cannot be sold to individuals by the manufactured home park owner or owners. The manufactured home lots are to be leased to manufactured home lessees only.

336 (k) Anchor required.

Each manufactured home must be secured by an anchoring device approved by the Building Official.

336 (l) Flood hazard areas.

No manufactured home park shall be built in any area identified by the Federal Insurance Administration as having special flood hazards designated by zones A 1-30, AO, and unnumbered A zones on Douglas County's flood insurance rate map or in any other area where recent flooding is known to occur.

336 (m) Exterior steps.

- (1) Objective: Steps must provide safe and convenient ascent and descent for pedestrian use. They are to be durable and convenient to maintain.
- (2) Step design:
 - a. The width shall be not less than the width of the walk served.
 - b. Flights of steps shall rise no steeper than at the rate of five feet vertical in ten feet horizontal; they shall not contain more than ten steps between landings.
 - c. Landings generally shall be at least 3 feet square. The gradient shall be not more than one-fourth inch per foot (two percent) no less than one-eighth inch per foot (one percent).
 - d. The riser shall be not more than 6 inches. There shall be a one-eighth inch pitch for surface drainage that is uniform throughout the flight.

- e. The tread shall be not less than 12 inches. There shall be a one- eighth inch pitch for surface drainage that is uniform throughout the flight.
 - f. The setback from any intersecting walk or drive shall be the following widths:
 - 1. Abutting as retaining wall: width of tread.
 - 2. Abutting a slope: not less than two (2) feet.
 - g. Where a single flight exceeds 30 inches total rise and is steeper than one foot in three feet, there shall be a substantial, durable handrail.
- (3) Construction:
- a. The subgrade shall be well drained, uniformly graded, and compacted.
 - b. Portland cement concrete or other appropriate materials shall be used.

336 (n) Laundry facilities.

- (1) Objective: Laundry facilities acceptable to the building official office shall be provided. They shall be located in a centralized common facility, in decentralized common facilities, or in a combination of these to suit local preferences and the availability of washers and dryers supplied in current manufactured home models.
- (2) Location: Where centralized washers, dryers, or common drying yards are provided, they shall be located convenient to the manufactured home spaces, and shall be suitably screened.
- (3) Drying yard size: The outdoor drying yard shall be adequate for the number of living units served, usually approximately two thousand five hundred square feet per one hundred living units.

336 (o) Animals.

The following conditions will be allowed pertaining to animals only as set forth:

- (1) Dogs and cats raised outside for personal pleasure not to exceed two per dwelling.
- (2) All other animals raised outside are prohibited due to the small size of the lots in this district.

336 (p) Emergency Storm Shelters

All new and any addition to an existing manufactured home park shall be required to provide an emergency storm shelter or shelters to provide temporary safety to residents in the event of an extreme wind-storm emergency. Said storm shelter shall be constructed in accordance with the most current International Construction Code (ICC) 500, as may amended, and the Federal Emergency Management (FEMA) Design and Construction Guidance for Community Shelters P-361, or as may be amended.

Sec. 337 - Manufactured home lots or subdivisions.

337 (a) Manufactured home on individual lot.

A manufactured home located on a lot in the AG or R-A zoning districts must comply with the following standards:

- (1) The manufactured home shall be located on a lot or tract of land of at least 10 acres;
- (2) The manufactured home shall be at least 200 feet from every street right-of-way and at least 150 feet from any adjoining property;
- (3) The manufactured home shall have a minimum living space as required by the zoning district;
- (4) The manufactured home shall comply with standards applying to all single-family and two-family dwellings under Sec. 307; and
- (5) No part of the lot may be used for another manufactured home or for any other principal use, nor may the lot be reduced in width, depth, or area.

337 (b) Manufactured home subdivision.

A manufactured home subdivision is subject to the following provisions of this Section.

- (1) The minimum site area for a manufactured home subdivision is 50 acres.
- (2) All manufactured homes placed in the subdivision shall comply with the provisions of Sec. 307, Standards for single-family and two-family dwellings. Pre-owned manufactured homes placed in the subdivision must also comply with Sec. 307.

337 (c) Emergency Storm Shelters

All new and any addition to an existing manufactured home subdivision shall be required to provide an emergency storm shelter or shelters to provide temporary safety to residents in the event of an extreme wind-storm emergency. Said storm shelter shall be constructed in accordance with the most current International Construction Code (ICC) 500, as may amended, and the Federal Emergency Management (FEMA) Design and Construction Guidance for Community Shelters P-361, or as may be amended.

Sec. 338 - Mini-warehouses and self service storage.

Mini-warehouses and other self-storage facilities must meet the following requirements:

338 (a) General regulations.

- (1) No wholesale or retail sales shall be permitted within a storage bay.
- (2) A self-service storage facility included within a commercial or industrial development shall have a minimum of 1 acre and a maximum of 5 acres devoted exclusively for such use.
- (3) As a principal use, a self-storage facility shall not occupy a site smaller than 1 acre nor larger than 10 acres.
- (4) The only commercial activities permitted exclusively on the site of the self-service storage facility shall be rental of storage bays, pick-up and delivery of goods or property in dead storage, and the sale or rental of items related to moving and storage such as moving boxes, packing supplies and hand trucks.
- (4) Storage bays shall not be used to manufacture, fabricate, or process goods; service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities; conduct garage sales or retail sales of any kind; rehearsing or practicing utilizing band instruments; conversion to an apartment or dwelling unit; or to conduct any other commercial or industrial activities on site.
 - a. Residential quarters for security purposes may be established on the site (see the Night Watchman Section of this Article).
 - b. An eight-foot high privacy fence or chain link fence with slats or similar screening material or device installed, or polymer or composite material opaque fencing is required on all rear property lines, and side property lines behind the front edge of warehouse buildings. Property lines adjacent to industrial zones are exempt from this requirement.
 - c. Individual storage bays within a self-service storage facility shall not be considered a premise for the purpose of assigning a legal address in order to obtain an occupational license or any other governmental permit or licenses to do business.
 - d. Except as provided, all property stored on site shall be entirely within enclosed buildings. Storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals are prohibited.

338 (b) Access.

A self-service storage facility shall be located on a lot that gains access from a local commercial or industrial street, a minor or major collector, or an arterial street.

338 (c) Outside storage.

Open storage of recreational vehicles and dry storage of pleasure boats of the type customarily maintained by private individuals for their personal use shall be permitted within a self-service storage facility provided the following conditions are met.

- (1) Such storage shall take place only within a designated area. The area so designated shall be clearly delineated upon the site plan submitted for approval by the County.

- (2) The storage area shall not exceed 25 percent of the total buildable area of the site.
- (3) The storage area shall be entirely screened from view from adjacent residential properties and public streets by a building or by the installation of a 6-foot high opaque wall or imitation-wood vinyl fence, polymer or composite material opaque fencing. If existing vegetation or topography provides the required screening, then this wall or fence requirement may be eliminated.
- (4) Vehicles shall not be stored within the area set aside for minimum building setbacks.
- (5) No vehicle maintenance, washing, or repair shall be permitted on site. Pleasure boats stored on site shall be stored upon wheeled trailers. No dry stacking of boats shall be permitted on site.

338 (d) Development regulations.

- (1) Separation between storage buildings.
 - a. If separate buildings are constructed, there shall be a minimum of 20 feet separating the individual buildings.
 - b. Buildings shall be situated or screened so that overhead access doors do not face public roads or residentially zoned property.
- (2) Maximum bay size.

The maximum size of a storage bay shall be 450 square feet.
- (3) Maximum building height.
 - a. With the exception of the structure used for security quarters, the maximum height of a self-service storage facility shall be 1 story unless the Board of Commissioners approves additional stories.
 - b. The height of the building shall not exceed 12 feet. Roof-mounted air conditioning and other equipment if utilized shall be screened from view if visible from a public right-of-way or adjoining residentially zoned property. The combined height of the building and the parapet wall shall not exceed 15 feet.
 - c. All self-service storage facilities shall utilize gable roofs with not less than a 2:12 slope.
- (4) Parking requirements.
 - a. Designated customer parking is not required; however, a minimum of 5 parking spaces shall be provided adjacent to the facility's leasing office, if a leasing office is located on site.
 - b. Interior parking. Interior parking shall be provided in the form of aiseways adjacent to the storage bays. These aiseways may be used for both circulation of traffic and user parking while using the storage bays. The minimum width of these aiseways shall be as follows.
 1. If aiseways permit two-way traffic, minimum width shall be 24 feet.
 2. If aiseways permit only one-way traffic, minimum width shall be 20 feet.
 - c. Prior to issuance of a certificate of occupancy, the traffic flow patterns in the aiseways shall be clearly marked. Marking shall consist at a minimum of the use of standard directional signage and painted lane markings with arrows. In order to assure appropriate access and circulation by emergency vehicles and equipment, the Fire Department shall approve the turning radii of the aiseways.

- (5) All exterior lighting shall be directed toward the interior of the site and away from adjoining residential property.
- (6) All exterior building paint colors shall be neutral or earth tones.

338 (e) Landscape requirements.

A detailed landscape plan shall be submitted with the development plans at the time of plan review for approval. In addition to the requirements of the Landscaping, Buffer and Tree Conservation Plans required for a development permit, the following shall apply:

- (1) Security fencing along the road frontage and on side property lines in front of warehouse buildings shall be ornamental and constructed with masonry posts and decorative ironwork. Chain link fencing is not allowed in these areas.
- (2) There shall be a 20-foot landscape strip along the frontage of the site that shall comply with the requirements of the Landscaping, Buffers and Tree Conservation Article of this Code.
- (3) There are no aiseways or other vehicular access ways located in the area between the building and adjacent residentially-zoned property lines or rights-of-way.

338 (f) Dumpsters and trash receptacles.

Dumpsters and trash receptacles shall be located where they are not visible from adjacent residentially-zoned properties and shall be adequately screened from view from all other adjacent properties and streets by structures, walls or fencing.

Sec. 339 - Night watchman residence.

Special Use C-H, LI, and HI

A permanent night watchman residence may be developed as an accessory use to a nonresidential use for the exclusive occupancy of personnel employed for the security of the principal use subject to the following standards:

339 (a) Need.

The principal use must be deemed by the Development Services Director as one requiring full-time security or 24-hour on-site management. Such uses include but are not limited to mini-warehouses, high-value warehousing or on-site storage, or outdoor storage of valuable materials or equipment.

339 (b) Development restrictions.

- (1) The night watchman residence may consist of only one dwelling unit.
- (2) The occupant of the manufactured home must be an employee of the enterprise on the premises, hired for the purpose of security.
- (3) The residence shall be a minimum of 600 square feet in floor area, and may be a manufactured home but must comply with all other standards of Sec. 307 relating to single-family and two-family residences.
- (4) The residence may be a portion of a building primarily devoted to non-residential uses or may be a separate residential building. If it is a separate building, the location, design, and materials of the residence shall be consistent and integral with the site plan and building design for the principal use.
- (5) Two off-street parking spaces shall be provided in addition to the parking required for the principal uses(s).
- (6) Night watchman residences shall conform to the minimum setback requirements for principle buildings in each zoning district.

Sec. 340 - Nursing and Residential Care Facilities

340 (a) General restrictions.

- (1) A Residential Care Facility shall submit for review and approval by the Development Review Committee (DRC) for any use of a residential structure that is permitted by right or permitted through special use permit.
- (2) A care facility of any type shall be required to proceed through Commercial Plan Review for any modification to the interior or exterior of the structure for review, approval, and issuance of a building permit. All nursing & residential care facilities shall be considered commercial facilities for the purpose of interpreting building and fire codes.
- (3) A care facility shall not function as a work release facility for convicts or ex-convicts, function as a drug rehabilitation center, or function as a facility serving as an alternative to incarceration, in a residential zoning district.
- (4) A care facility that is located in a platted subdivision must provide documentation that the use is not in conflict with any private covenants or restrictions the property may be subject to.

340) Categories of care facilities.

- (1) Residential Care Facilities.
 - a. A residential care facility is limited to no more than 6 persons under care.
- (2) Nursing Care Facilities.
 - a. A nursing care facility may provide care to more than 15 persons.
- (3) All certifications for personal care homes required by the State of Georgia must be submitted with payment of the County's Occupational Tax.

340 (c) Resident managers.

- (1) The managing caregiver of a residential care facility must be the owner of the property and a full-time resident of the facility. The managing caregiver of the facility and persons living in the facility plus one nonresident employee are permitted.

Sec. 341 - Petroleum or bulk storage facilities.

Petroleum and other bulk storage facilities for flammable liquids or gas are subject to the following requirements:

- (1) Compliance with all applicable state and federal laws including but not limited to O.C.G.A. Sections 12-8-20 through 12-8-42 inclusive and 12-8- 60 through 12-8-82 inclusive and comply with all rules and regulations of the Georgia Department of Natural Resources, Environmental Protection Division including but not limited to Sections 391-3-4 inclusive and 391-3- 11 inclusive.
- (2) All necessary state and federal permits be obtained prior to application.
- (3) Spill containment plan to be approved by appropriate county staff and comply with O.C.G.A. Section 12-8-60 and comply with all rules and regulations of the Georgia Department of Natural Resources, Environmental Protection Division including but not limited to Sections 391-3-4-.11, and 391-3-4-.15. A four foot high parapet wall shall encircle the storage facilities to further ensure spill containment.
- (4) Minimum acreage to be 15 acres.
- (5) No use shall be located closer than 1,000 feet from any residentially zoned land or school property line.
- (6) Noise abatement and air pollution abatement plans to be approved by County staff.
- (7) Fire prevention, evacuation, and safety plan to be approved by the fire safety inspector.
- (8) Cleaning of vehicles and containers shall be performed so that runoff shall not enter the sanitary sewer system nor shall it runoff into adjoining properties.
- (9) Local streets and streets in recorded subdivisions shall not be used as part of any truck traffic route giving access to the facility .The entrance or entrances shall be directly off a state or federal highway or a major or minor county thoroughfare as shown on the land use and thoroughfare plan and truck traffic routes and entrances to the facility shall be approved by the county engineer.
- (10) Facility shall not be located within the Dog River, Bear Creek, or Sweetwater Creek Drainage Basins.

Sec. 342 - Quarries or mining operations.

Quarries or mining operations, including the removal or extraction of dirt, sand and soil, are subject to the following requirements:

342 (a) Purpose and intent.

Special Use approval for quarries or mining operations is specifically established to allow for the mining, extraction, crushing, and quarrying, as appropriate, of sand, rock, precious metals, and other minerals or elements removed from the earth. Special Use approval for quarries or mining operations allows for a range of other uses that may be accessory to mining operations or economically linked to such uses.

Extensive building and operation setbacks and generous buffers are required to ensure the previously listed activities do not pose physical hazards or nuisances (e.g., dust, noise, vibration, etc.) to neighboring dwellings, schools, parks, places of worship, hospitals, commercial buildings, and public buildings and roads.

This section shall not prohibit the removal of earth and rock and filling and grading in any district done for land development purposes.

342 (b) Application requirements.

All applications seeking Special Use approval shall include the following in addition to the requirements for Special Uses under the Procedures and Permits Article 12 of this Code:

- (1) An operation plan must be a part of such application. Operations plans, if approved, must be considered conditions of development approval, unless otherwise specified. The operation plan must contain, at a minimum, the following:
 - a. Proposed locations and phases of all operations associated with the mining extraction activity.
 - b. Date of commencement of the operation and its expected duration.
 - c. Proposed hours and days of operation.
 - d. The description of the method of operation, including the proposed locations or disposition of topsoil, overburden, and by-products, on- or off-site.
 - e. A description of the nature of mining operations, method(s) of extraction, and equipment and materials (e.g., explosives) to be used.
- (2) The applicant must submit copies of all documents submitted to the Georgia Department of Natural Resources or any other state agency/department for the purpose of obtaining a state mining permit. It will be the responsibility of the applicant to update all information during the state application process, including the final disposition of the state permit process.
- (3) A reclamation plan must be included with the Special Use Permit application. The reclamation plan must include, at a minimum, a description of how the excavated land will be restored, statement of intended future use of the land, and phasing and timing estimates of reclamation and rehabilitation activities. Reclamation plans, if approved, will be considered conditions of development approval, unless otherwise specified by the Board of Commissioners.
- (4) The applicant must submit written evidence by a geologist, or other competent professional qualified to make such a judgement, that the site to be used for mining contains a mineral resource area or other valuable surface or subsurface substances that can be economically mined.
- (5) The applicant must submit a study that identifies any state or county maintained road within or adjacent to the property, and shall state any repaving, alterations, turning lanes or other additions

necessary to accommodate the potential increase of traffic volume or weight occasioned by the proposed operations.

a. Traffic Study Required

The applicant must prepare and submit a formal traffic study with written report for the specified property prepared and stamped by a professional engineer including the following:

1. A vicinity map showing location of the proposed development in relation to the transportation system;
2. A description of proposed development including size and nature of the entire proposed development and proposed site access points;
3. A proposed site plan;
4. A description of adjacent land uses and roadway network including road names, classifications, lane configurations, traffic control and pedestrian, bicycle and transit facilities;
5. Traffic volumes on existing roads at proposed access point measured within the last 12 months;
6. Operational analysis including average delay, level of service, volumes/capacity ratios, and queue length analysis of intersection of site access and main road and any additional study intersection(s);
7. Accident data summary and analysis (data may be obtained from the City);
8. Safety analysis of proposed site access including stopping sight distance, intersection sight distance, and operational characteristics;
9. Growth factor based on historical count data in the area;
10. Future no build base year volumes and performance evaluation;
11. Future no build horizon year (5 years beyond base year) volumes and performance evaluation;
12. Any assumptions including pass-by and internal capture;
13. Trip generation from ITE latest edition;
14. Trip distribution to show distribution percentages and volumes;
15. Access location and spacing;
16. Turn lane warrants and analysis;
17. Driveway analysis including lane configuration, queue lengths, throat length and channelization;
18. Future build base year volumes and performance evaluation;
19. Future build conditions horizon year (5 years beyond base year) volumes and performance evaluation;
20. Parking needs, required and provided spaces;
21. Description and analysis of mitigation measures; and
22. Appendix to include applicable raw count data, calculation sheets, computer software output of performance evaluation, and warrant worksheets.

b. Road Maintenance Bond Required

1. A road maintenance and damage bond, in a form and value consistent with County Department of Transportation standards, must be prepared for use by the County as guarantee against the event the operation damages any public roads adjoining the operational property. Said bond must remain in force until such time as the operations have ceased and all reclamation operations have been completed and accepted by the State Department of Natural Resources.
- (6) The applicant must submit a statement regarding the intended use of explosives or other hazardous materials and the methods and procedures proposed for handling, use, storage, and disposal of the materials.
- (7) A well study must be completed as a part of such application. The well study must consist of baseline testing of up to three wells located within 1,500 feet of the proposed perimeter of the mining area. If

there are no existing wells within 1,500 feet, baseline testing must be required of the nearest located wells. Preference will be given to wells located on adjacent land where the property owners have requested testing, in writing, and granted permission for access to their property. Baseline must establish, at a minimum, bacteria and turbidity levels, potential groundwater drawdown due to pumping at the proposed mining area and establish the seasonal high and low water levels for future reference. All tests must be performed by a "Qualified Ground water Scientist." "Qualified" means a professional engineer or geologist registered to practice in Georgia who has received a baccalaureate or post-graduate degree in the natural sciences or engineering and has sufficient training and experience in groundwater hydrology and related fields that enable that individual to make sound professional judgments regarding groundwater monitoring, contaminant fate and transport, and corrective action.

- (8) In the event the applicant is not required to obtain a bond in connection with the state mining permit issued by the Georgia Department of Natural Resources, the Board of Commissioners may at its discretion require a bond calculated on a specific amount per acre for the purposes of ensuring proper reclamation. The Board of Commissioners shall not require a bond if the applicant is required to obtain a bond in connection with its state mining permit.
- (9) The applicant must submit an impact statement prepared by a qualified professional that addresses the impact of the proposed mining operation on abutting and nearby buildings, uses, and properties, nearby shall include all properties within 1,000 feet of the mining property boundaries. The impact statement shall address those external effects likely to exist if said use is established, including but not limited to, electromagnetic interference, noise, vibration, fumes, odors, dust and air particulates, illumination, truck traffic, and water table protection. The impact statement must recommend specific measures to mitigate such impacts and provisions for monitoring and enforcing mitigation measures, and, if approved, the recommendations of the impact statement must be considered conditions of approval, unless otherwise specified by action of the Board of Commissioners.
- (10) The applicant must submit documentation that it has obtained a state mining permit from the Georgia Department of Natural Resources, and if applicable, any bond required in conjunction with the state mining permit.

342 (c) Restrictions.

- (1) Hours of Operation: No operation may be allowed between the hours of 7:00 p.m. and 7:00 a.m. during the months of November, December, January, February, and March. No operation may be allowed between the hours of 9:00 p.m. and 6:30 a.m. during the months of April, May, June, July, August, September and October. No operation may be permitted on Sundays, New Years, Independence Day, Thanksgiving or Christmas Day. These restrictions will not apply to routine maintenance and may be varied for special projects, including Department of Transportation projects and large commercial projects, with the mutual concurrence of the Director of Development Services and the County Manager.
- (2) Barrier: Any area being excavated for mining must be entirely enclosed within a barrier fence of at least 6 feet in height located at least 10 feet back from the edge of any excavation but also must be constructed of such material and at such height as to be demonstrably able to exclude children and animals from the quarry area.
- (3) Gates: Gates must be provided at all points of vehicular and pedestrian ingress and egress and shall be locked when not in regular use.
- (4) Illumination: All work areas shall be sufficiently illuminated, naturally or artificially, in accordance with the form of the operation and the stated hours of operation. No direct artificial illumination resulting from the operation shall fall on any land not covered by the application.
- (5) Noise: Strict compliance with the Douglas County Noise Ordinance, Sections 11-71 through 11-81, must be observed.

- (6) **Maximum Depth:** The maximum depth of excavation must not be below existing seasonal high groundwater level, as determined in Section 342(b)(7) above, except in cases where the reclamation plan indicates that a lake or lakes will be a part of the final use of the land or where such plan indicates that adequate fill from overburden is to be used to refill such excavation. No excavation may be allowed to lower the water table of the surrounding inhabited properties.
- (7) **Notices:** Notices must be posted at regular intervals along the outer limits of the property, which must warn against trespassing and must contain a statement pertaining to the use of explosives, if applicable.
- (8) **Electromagnetic Interference:** There must be no electromagnetic interference that adversely affects the operation of any equipment beyond the property boundary other than that belonging to the creator of such interference, or that does not conform to the regulations of the Federal Communications Commission.
- (9) **Glare and Heat:** Every use and activity shall be so operated that it does not emit heat or heated air beyond the boundary of the lot on which it is located. No direct or sky-reflected glare shall emanate from any use or activity so as to be visible at any point on or beyond the boundary of the lot on which such use or activity is located.
- (10) **Odor:** No continuous, frequent, or repetitive emission of odors or odor-causing substances which would be offensive beyond any property line of any mining operation will be permitted. An odor emitted no more than 15 minutes in any one day shall not be deemed as continuous, frequent, or repetitive. The existence of an odor shall be presumed when analysis by a competent technician demonstrates that a discernible odor is being emitted. Any process which may involve the creation or emission of any odors shall be provided with a primary and a secondary safeguard system, the secondary safeguard system is required so that control will be maintained if the primary safeguard system fails.
- (11) **Smoke and Particulate Matter:** Emissions shall not exceed applicable state standards as adopted in Rules of the Georgia Department of Natural Resources, Environmental Protection Division, Chapter 391-3-1, Air Quality Control, as may be amended from time to time.
- (12) **Groundwater Monitoring:** Drawdown tests on the original baseline wells first tested as part of the well study in Section 342(b)(7) must be conducted when the mining operator receives a written request from a well owner who demonstrates the quantity of water in their well has been impacted by mining operations.

342 (d) Blasting and Vibration.

(1) Blasting Generally

- a. The mining operation and activities must comply with all local, state, and federal laws, rules or regulations pertaining to blasting activities.
- b. Upon request by the Board of Commissioners, the operator must provide access to the blasting logs and seismographic records to the County.
- c. Blasting may occur only during the Hours of Operation, as enumerated in Section 342(c)(1).
- d. Blasting must be conducted in a manner designed to prevent injury to persons or damage to property outside the permit area.
- e. An accurate blasting log must be prepared and maintained for each blast fired. Each blasting log must include, but not be restricted to the following information:
 - 1. Name of the individual in charge of the blasting event.
 - 2. Blast location reference (latitude/longitude).
 - 3. Date and time of blasting event.
 - 4. Weather conditions at time of blasting event.
 - 5. Diagram of blast hole configuration and layout.

6. Number of blast holes for the blasting event.
7. Blast hole depth and diameter.
8. Drilled Spacing and burden for blast holes.
9. Maximum holes per delay or maximum number of delays per hole.
10. Maximum pounds of explosives per hole and per delay.
11. Depth of and type of blasting stemming used
12. Total pounds of explosives used, including primers and initiating cord.
13. Distance to nearest habitable structure not owned by the mine operator or owner.
14. Seismographic record of the blasting event including the instrument, sensitivity and calibration signal of the gain setting and certification of annual calibration and the following:
 - a). Peak particle velocities in the three orthogonal components and peak air overpressure;
 - b). Time history of the three components of the ground motion and air overpressure produced by the blasting event;
 - c). Latitude and longitude of the seismograph during the recording event;
 - d). Distance from the blasting event;
 - e). Name of the property;
 - f). Name of the individual and firm taking the seismographic readings; and
 - g). Name of the individual and firm analyzing the seismographic record.

(2) Preblast Survey

- a. The owner or resident of any property within one-half mile of any property used for mining, as measured from the boundary of any property used for mining, must be contacted by the mining operator via letter at least 30 days before the start of any blasting activity, notifying the property owner or resident as to how they may request a pre-blast survey.
- b. If requested in writing by a property owner or resident, the mining operator is required to carry out an inspection of any dwelling or structure within one-half mile of any property used for mining, as measured from the boundary of any property used for mining.
- c. After the inspection, a final written inspection report must be created. The final written inspection report must be signed by the person making the report. Copies of the written inspection report must be provided to the Board of Commissioners and to the property owner or resident who requested the inspection.
- d. The written inspection report must determine and photographically define the condition of the dwelling or structure and must document any pre-existing cracks and defects and other physical factors that could reasonably be affected by the blasting event. Structures such as pipelines, cables and transmission lines, cisterns, and other water systems must also be inspected. The assessment of these structures may be limited to visible surface conditions and other readily available information.

(3) Ground Vibration

- a. Vibration as measured at the boundary of any property used for mining may not exceed 1.0 inch per second peak velocity, steady state, or 2.0 inches per second, impact state.
- b. Exemptions: These provisions shall not apply to:
 1. Vibration resulting from the operation of any road vehicle.
 2. Vibration resulting from construction activities and equipment.
 3. Vibration resulting from roadway maintenance and repair equipment.
- c. Method of measurement: Vibration measurement procedures must conform to the following:
 1. Instrumentation must be capable of measuring RMS (Root Mean Square) value of the vibration velocity over the frequency range of 2 to 250 Hz.
 2. Measurement values must be recorded for a sufficient period of observation to provide a representative sample.

3. Attachment of the vibration transducer to the ground must be by magnetic or screw attachment to a steel bar of a minimum of 9 inches in length, driven to a depth of 3 inches to 1 foot in the ground. The mass of the transducer should closely match the density of the ground or other material it displaces.

(4) Air Overpressure.

- a. Air overpressure as measured at the boundary of any property used for mining must not exceed the maximum limit of 133 dB.
- b. Air overpressure must be monitored with blasting seismographs that meet the guidelines established by the international Society of Explosives Engineer's (ISEE) document "Performance Specifications for Blasting Seismographs" (2000) developed by the ISEE Standards Committee.
- c. Higher air overpressure limits may be independently established based on technical justifications presented by a qualified person, such as an engineer or other certified expert in blasting related projects, to the Board of Commissioners. The Board of Commissioners must approve the higher air overpressure limits by a majority vote.

(5) Flyrock

- a. Flyrock travelling in the air or along the ground must not be cast from the blast site in an uncontrolled manner that could result in injury to personnel or damage to property.
- b. Flyrock must not be propelled from the blast site onto other property, unless the mining operator has received a written waiver from the property owner upon which the flyrock may be propelled upon.

342 (e) Distance requirements.

- (1) Soil or sand removal or extraction operations.

Such uses must not be established within 500 feet of the lot line of a property with a residential use or 200 feet of the lot line of a property with any other use.

- (2) Quarries and open pit mines.

The operational and removal area of such uses must not be established within 4,000 feet of the lot line of a property with a residential use and within 2,000 feet of the lot line of a property with any other use.

342 (f) Modification of restrictions.

Modification of restrictions is permitted in accordance with Section 1303, Special Exception Variances.

342 (g) State permits.

A copy of the Georgia Department of Natural Resources permit approval shall be maintained on file with the Development Services Department.

Sec. 343 - Radio, television and telecommunications.

343 (a) Purposes.

- (1) The provisions of this Section are designed and intended to balance the interests of the residents of Douglas County, telecommunications providers, and telecommunications customers in the siting of telecommunications facilities within unincorporated Douglas County so as to protect the health, safety and integrity of residential neighborhoods; and to foster, through appropriate zoning and land use controls, a competitive environment for telecommunications carriers that does not unreasonably discriminate among providers of functionally equivalent personal wireless services.
- (2) The provisions of this Section shall not prohibit, or have the effect of prohibiting, the provision of personal wireless services.
- (3) The provisions of this Section are intended to promote Douglas County as a proactive County in the availability of personal wireless telecommunications service. To that end, this Section is intended to:
 - a. Provide for the appropriate location and development of telecommunications facilities within unincorporated Douglas County;
 - b. Protect Douglas County's built and natural environment by promoting compatible design standards for telecommunications facilities;
 - c. Minimize adverse visual impacts of telecommunications facilities through careful design, siting, landscape screening and innovative camouflaging techniques;
 - d. Avoid potential damage to adjacent properties from tower or antennae failure through engineering and careful siting of telecommunications tower structures and antennae;
 - e. Maximize use of any new and existing telecommunications towers so as to minimize the need to construct new towers and minimize the total number of towers throughout the County;
 - f. Maximize and encourage use of alternative telecommunication tower structures as a primary option rather than construction of additional single-use towers; and
 - g. Encourage and promote the location of new telecommunications facilities in areas which are not zoned for residential use.

343 (b) Definitions related to telecommunications.

Alternative tower structure: includes man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennae or towers.

Antenna: Any exterior apparatus designed for the sending and/or receiving of electromagnetic waves for telephonic, radio, television, personal wireless or other telecommunication services. Personal wireless services include but are not limited to cellular telephone, Personal Communications Services (PCS), Specialized Mobile Radio (SMR), Enhanced Specialized Mobile Radio (ESMR), Private Mobile Radio (PMR) and paging.

Co-location: The placement of two or more antennae, micro telecommunications facilities or macro telecommunications facilities in the same location, tower, or monopole tower.

Commercial and industrial structures: include warehouses, factories, retail outlets, supermarkets, banks, garages or service stations.

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

High density districts: Any district that permits multi-family units of eight units per acre or more.

Height of telecommunication tower: When referring to a tower, antennae or other structure, means the distance measured vertically from the highest point when positioned for operation to the lowest point which is defined as the bottom of the base of the structure being measured at either roof or ground level, whichever is applicable. The height of a tower shall include the height of any antennae positioned for operation attached or which may be attached to the highest point on the tower.

Macro telecommunications facilities: Those facilities located on existing buildings, poles or other existing support structures and which project more than 3 feet above the top of the structure but no more than 10 feet above the roof line, parapet or top of the structure. Macro telecommunication facilities may exceed the height limitation specified for the zoning district.

Micro telecommunications facilities: Those facilities located on existing buildings, poles or other existing support structures where antennae do not project more than 3 feet above the top of the structure and there are no more than 6 antennae per site.

Mixed use building: A building containing both residential and nonresidential uses; provided however, that for purposes of this ordinance, this shall not include in-home occupations.

Monopole tower: A telecommunications tower consisting of a single pole, constructed without guy wires or ground anchors.

Publicly used structures: Structures that are owned by a governmental entity or a bona fide nonprofit organization and include, but are not limited to, facilities such as fire stations, libraries, community centers, convention centers, courthouses, utility structures, water towers, elevated roadways, bridges, flag poles, schools, hospitals, clock or bell towers, light poles and churches.

Scenic views: those geographic areas containing visually significant or unique natural features, as identified in the Douglas County Comprehensive Plan.

Telecommunications facilities: Antennae and towers, either individually or together.

Telecommunication tower: Any structure designed and constructed primarily for the support of one or more antennae and including guyed, self-support (lattice) and monopole types. This term does not include Alternative Tower Structures.

Temporary Wireless Communication Facility: Portable equipment without permanent foundation that is used for a limited period while a permanent facility is under construction, under repair or during a special public event or emergency. Also called a Cell-on-Wheels (COW).

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

343 (c) Exemptions.

- (1) Any telecommunications facilities located on property owned, leased or otherwise controlled by Douglas County, provided that a license or lease authorizing the telecommunications facility has been approved by the Board of Commissioners.
- (2) Wireless communications facilities for which a permit was issued prior to the effective date of this Code are not required to meet the standards contained herein.
- (3) Any device designed for over-the-air reception of radio or television broadcast signals, multi-channel multipoint distribution service or direct broadcast satellite service is exempt from the requirements of this Section.
- (4) Any cable television headend or hub towers and antennae used solely for cable television services are exempt from the requirements of this Section.

- (5) Any tower and antenna under 70 feet in total height that is owned and operated by an amateur radio operator licensed by the Federal Communications Commission is exempt from the requirements of this Section.
- (6) Personal over-the-air devices for audio or video programming and wireless internet services are not subject to the requirements of this Section.
- (7) Satellite ground relay station facilities are not subject to the requirements of this Section.

343 (d) Permitted uses.

- (1) Principal or accessory use.

Antennae, towers and alternative tower structures may be either a principal use or an accessory use and may be located on a non-conforming lot or on a lot containing a non-conforming use. The construction of a tower or alternative tower structure in compliance with this Section shall not be considered an expansion of a non-conforming use.

- (2) Use by right.

Telecommunication facilities are allowed as a use by right as shown on Table 2.5, following approval of a complete application and design review by the Director of Development Services and issuance of a building permit.

- (3) Special Uses.

Telecommunication facilities may be allowed as a Special Use as shown on Table 2.5, following approval of a complete application, design review, Special Use approval by the Board of Commissioners, and issuance of a building permit.

- (4) Temporary wireless communication facility.

A Temporary Wireless Communication Facility may be approved administratively in any zoning district for a period not to exceed 90 days. The application shall include an explanation of the urgency of need for a temporary facility in addition to all other documentation requirements.

- (5) Additional tower height requests.

Any new tower otherwise permitted but proposed for a height greater than 150 feet may be considered through a Special Use approval.

- (6) Prohibited Locations.

- a. Towers and alternative tower structures shall not be permitted in any approved residential subdivision, unless the lot in the subdivision is greater than 5 acres and is occupied by an institutional use as identified by the Douglas County Planning Department.
- b. Micro and macro telecommunication facilities are not allowed on any single-family, two-family or manufactured home. In the residential zoning districts (as established on Table 2.1 of the Use of Land and Structures Article of this Development Code), micro and macro telecommunication facilities may only be located on a nonresidential use allowed in such residential zoning district.

- (7) The Douglas County Department of Planning & Zoning shall maintain an inventory of all towers or alternative tower structures, active and inactive, which are present in Douglas County. This inventory shall include specific information about the location (latitude and longitude coordinates), height, design, tower type and general suitability for antenna co-location of each tower, and other pertinent information as may be decided by the Planning & Zoning Department.

343 (e) Preferred and Disfavored Location Sites.

- (1) Preferred Location Sites.

- a. No new tower, except amateur radio towers, shall be permitted unless the Applicant demonstrates with substantial evidence to the Planning & Zoning Department and the Board of Commissioners that no existing tower or existing alternative tower structure can accommodate the Applicant's proposed antenna. All evidence submitted shall be signed and sealed by appropriate licensed professional s or qualified industry experts and shall consist of more than mere conclusory statements that no existing tower is suitable. Evidence submitted to demonstrate that no existing tower or structure can accommodate the proposed antenna shall consist of one or more of the following:
 1. That no existing towers or suitable alternative tower structures are located within the geographic antenna placement area required to meet the Applicant's engineering requirements.
 2. That existing towers or structures do not have sufficient structural strength to support the Applicant's antenna and related equipment.
 3. That the Applicant's proposed antenna(s) would cause electromagnetic interference with the antenna(s) on the existing towers or structures, or the antenna on the existing towers or structures, would cause interference with the Applicant's proposed antenna.
 4. That the cost or contractual provisions required by the tower owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 5. That the Applicant adequately demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 6. For each of the above, the Applicant must submit an affidavit listing the existing towers which were considered, and ultimately rejected, by the Applicant and provide a detailed explanation of why the existing towers are not usable.
 - b. Co-Location Sites. Any existing telecommunication towers currently being used for transmitting or receiving analog, digital, microwave, cellular, telephone, personal wireless service or similar forms of electronic communication shall be a preferred co-location site regardless of the underlying zoning designation of the site, or the legally non-conforming height of the tower; provided, however, that locations meeting this criteria shall be subject to all physically possible design and siting requirements of this Section. Co-location sites shall not become "antenna farms" or otherwise be deemed by the Director of Development Services or the Board of Commissioners to be visually obtrusive.
 - c. Publicly-used structures.
 - d. Commercial and Industrial Structures. Wholly commercial and industrial structures shall be preferred location sites particularly where existing visual obstructions or clutter on the roof or along a roofline can and will be removed as part of the installation of the telecommunications facility.
 - e. Mixed Use Buildings in High Density Districts.
- (2) Disfavored Location Sites.

Any single-family, two-family or multi-family residential structure or site shall be a disfavored site for the location of telecommunications facilities.

343 (f) Design criteria.

(1) Capacity.

All towers over 100 feet in height shall have structural capacity and ground or interior space to accommodate multiple users. Towers up to 150 feet shall accommodate at least 3 users. Towers over 150 feet shall accommodate at least 5 users.

(2) Setbacks.

The following setback requirements shall apply to all telecommunications facilities, provided however, that the Director of Development Services and/or Board of Commissioners may reduce the standard setback requirements of this Section if the goals of this Code would be better served thereby.

a. Telecommunications towers must:

1. Be set back a distance of 50 from any property line and a distance equal to the full height of the tower from any off-site residential structure and public local or collector road right-of-ways, whichever is greater;
 2. Be placed no closer than 1,500 from an existing tower 90 in height or greater unless otherwise technologically required or visually preferable as determined by the Director of Development Services or Board of Commissioners.
- b. All towers shall be located no less than a distance equal to the height of the tower from any property zoned or used for single-family residential purposes.
- c. All towers shall be located at least one-third of its height from any public right-of-way.
- d. Setbacks shall be based on the entire lot on which the tower is located and shall not be applied to any lease area within the host parcel.
- e. Towers, guy wires and accessory facilities must satisfy the minimum zoning district setback requirements.
- f. For antennae attached to the roof or a supporting structure on a rooftop, a 1:1 setback ratio shall be maintained unless an alternative placement is approved by the Director of Development Services or Board of Commissioners.
- g. Placement of more than one tower on a lot shall be permitted provided that all other requirements may be met as to each tower. Structures may be located as close to each other as technically feasible provided that tower failure characteristics of the towers will not lead to multiple failures.
- h. Towers shall not be located in the principal building setback area in any district

(3) Landscaping, screening and visual impact.

- a. Site location and development shall preserve the pre-existing character of the surrounding buildings and land uses and zoning district to the extent possible.
- b. Towers, buildings and related structures shall be integrated through location, design, materials, colors, textures, screening and landscaping to blend with the existing characteristics of the site to the extent possible.
- c. Telecommunications facilities shall either maintain a galvanized steel finish or, subject to any applicable standards of the F AA or other applicable federal or state agency, be painted a neutral color or painted and/or textured to match the existing structure so as to reduce visual obtrusiveness.
- d. Where feasible, telecommunications facilities shall be placed directly above, below or incorporated with vertical design elements of a building to assist further camouflage.
- e. Any equipment shelter or cabinet supporting telecommunications facilities shall be concealed from public view, made compatible with the architecture of the surrounding structures or placed underground. The shelter or cabinet shall be regularly maintained.
- f. The Director of Development Services or Board of Commissioners may waive or modify the landscaping requirements where lesser requirements are desirable: for visibility or security purposes; for continued operation of existing bona fide agricultural or forest uses such as

farms, nurseries and tree farms; other remote agricultural or rural locations; for placement of an antenna on an existing structure; or for developed heavy industrial areas.

- g. Landscaping shall effectively screen the view of telecommunications facilities, equipment, equipment shelters or cabinets, associated buildings and fencing, where required, from adjacent public right-of-ways, public property and residential property. A minimum 10-foot wide area meeting zoning buffer standards of this Code shall surround towers and related equipment. Landscaping and zoning buffer areas must be under the ownership or long-term lease of the tower owner. The required zoning buffer area may be reduced or waived by the Director of Development Services if existing natural vegetation provides sufficient screening from adjacent properties and public rights-of-way. Native vegetation and existing topography on the site shall be preserved or improved to the greatest practical extent. Disturbance of the existing topography shall only be permitted when, in the opinion of the Director of Development Services, it would result in less visual impact of the site to the surrounding area.
- h. If an antenna is installed on a structure other than a tower, or an alternative tower structure, the antenna, associated electrical and mechanical equipment, equipment shelter or cabinet, must be of a neutral color identical to, or closely compatible with, the color of the supporting or surrounding structure(s) so as to make the antenna and related equipment as visually unobtrusive as possible. Roof-mounted antennae shall be made visually unobtrusive by screening which may include matching them with existing air conditioning units, stairs, elevator towers or other background.
- i. Telecommunications facilities shall not be placed in any historic district or in any scenic corridors as designated by the Board of Commissioners or by any state or federal law or agency. Antennae and related equipment attached to historically or architecturally significant structures or within Significant View Corridors, as established by Douglas County or state or federal law or agency, shall be concealed in a manner that matches the architectural features of the structure.
- j. Alternative tower structures and their components (flags, tree limbs, bells, clocks, etc.) shall be kept in a state of good repair and shall have all related equipment screened from view by one of the following methods:

Alternative tower structures shall have all related equipment screened from view by one of the following methods:

- 1. Locating all equipment in an existing building;
- 2. Locating all equipment in an underground vault; or
- 3. Locating all equipment in a new building that is of an architectural style similar to existing buildings or compatible with the specific environment.

(4) Lighting.

Towers shall not be lighted beyond that required by the FAA. Security lighting of the facility is allowed to the extent that the light source is shielded from adjacent properties. If lighting is required on a tower, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. In the event the tower requires lighting by virtue of its height, the County may require the construction of the tower at a lower height in order to avoid lighting requirements.

(5) Maintenance.

Equipment at a transmission facility shall be automated to the greatest extent possible to reduce traffic and congestion. Access for maintenance vehicles shall be exclusively by means of a local street abutting the site or otherwise is accessible to the site.

(6) Principal, Accessory and Joint Uses.

- a. Accessory structures used in direct support of a telecommunications facility shall be allowed but not be used for offices, vehicle storage or other outdoor storage. Mobile or immobile equipment not used in direct support of a telecommunications facility shall not be stored or parked on the site of the telecommunications facility.
 - b. Telecommunications facilities may be located on sites containing another principal use in the same buildable area, (towers are not permitted in required setbacks).
- (7) Security.
 - a. All towers shall be enclosed by decay resistant security fencing not less than six feet in height.
 - b. All telecommunications facilities shall be equipped with appropriate anti- climbing devices or other similar protective devices to prevent unauthorized access to the telecommunications facility.
- (8) Signage.

No advertising is permitted on telecommunications facilities. However, a whip antenna or panel antenna up to 12 square feet in size with appropriate shrouding may be allowed on any legally permitted permanent sign provided that all other requirements of this ordinance are met.
- (9) Change of Ownership.

Upon the transfer of ownership of any tower, alternative tower structure, or lot upon which such a structure has been erected, the tower permittee shall notify the Planning & Zoning Department of the transaction in writing within thirty (30) days.
- (10) Compliance.
 - a. Building Codes and Safety Standards. All telecommunications facilities shall be maintained in compliance with applicable building codes and the applicable standards for such telecommunications facilities, as may be amended. Owners shall cause inspections of each facility to be made every three (3) years to ensure structural integrity by qualified, independent engineers licensed to practice in Georgia. The results of such inspection shall be provided to the Director of Development Services.
 - b. Regulatory Compliance. All telecommunications facilities shall meet or exceed standards and regulations as may be amended of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate telecommunications facilities. Owners shall provide certification to the Director of Development Services that each telecommunications facility is in compliance with all applicable federal and state requirements when any new users are added or building permit is sought.

343 (g) Application requirements.

- (1) General application requirements.

The owner and operator of any proposed telecommunications facility, regardless of whether seeking approval from the Director of Development Services as a use by right or from the Board of Commissioners as a Special Use, must submit a complete application, undergo design review, and receive a building permit. Applications will not be considered until complete. The following information must be submitted for an application to be considered complete when applying for any building permit, Special Use approval or other permit or variance included in this Code:

 - a. Basic information.
 - 1. A written statement of commitment to use the proposed site from at least one federally-licensed wireless service provider.

2. Site plan or plans to scale specifying the location of telecommunications facilities, transmission building and/or other accessory uses, access, parking, fences, landscaped areas, and adjacent land uses. Applicants shall submit both a paper location map and a latitude/longitude location in a format compatible with the GIS software utilized by the Douglas County Geographic Information Systems Department.
 3. Landscape plan to scale indicating size, spacing and type of plantings. The plan shall indicate significant vegetation to be removed and vegetation to be replanted to replace any vegetation lost.
 4. Description of the environment surrounding the proposed telecommunications facility, including any adjacent residential structures and districts, structures and sites of historic significance or scenic corridors.
 5. Description of anticipated maintenance needs for the telecommunications facility, including frequency of service, personnel needs, equipment needs, and traffic, noise or safety impacts of such maintenance.
 6. Report from a qualified, independent engineer licensed in the State of Georgia, documenting the following:
 - a) Telecommunications facility height and design, including technical, engineering and other pertinent factors governing selection of the proposed design.
 - b) Total anticipated capacity of the telecommunications facility, including number and types of antennae which can be accommodated.
 - c) Evidence of structural integrity of the tower structure.
 7. Definition of the area to be served by the antenna or tower and explanation of whether such antenna or tower is needed for coverage or capacity. Identification of the geographic service area for the subject installation, including:
 - a) A county map showing the proposed site and the applicants other existing telecommunications facility sites within Douglas County.
 - b) A description of how this service area fits into and is necessary for the service network.
 - c) Evidence that the proposed facility provides the needed coverage or capacity.
 8. Identification of a community liaison officer appointed by the applicant to resolve issues of concern to neighbors and residents relating to the construction and operation of the facility. Identification should include name, address, telephone number, facsimile number, pager number and electronic mail address, if applicable.
 9. Designation of which location preference, identified in subsection 343 (e), the proposed facility meets. If the proposed location is not a preferred location or is a disfavored location, an explanation of how and why the proposed site is essential to meet service demands for the geographic service area and countywide network.
- b. Site inventory.
- Each application shall include a site inventory including: 24 packages containing a list and a map showing all the applicants existing telecommunications facility sites within Douglas County and within one mile of the county's boundaries. The list must include the following information for each site:
1. Street address.
 2. Landlot, section, district and parcel number.
 3. Zoning district.

4. Type of building (commercial, residential, mixed use) and number of stories.
 5. The location and type of tower/antenna installation (stand alone rooftop, building facade, etc.).
 6. The location of the base transceiver station installation(s).
 7. The height from grade to the top of the antenna installation.
 8. The radio frequency range in megahertz.
 9. All other telecommunication facility sites within 2000 feet of the proposed location.
- c. Additional information requirements for towers:
1. If the proposed site is zoned Rural Agricultural (AG), Residential Agricultural (R-A), Residential Low Density (R-LD), Residential Medium Density (R-MD), Residential-High Density (R-HD), Manufactured Home Residential (R-MH), Planned Residential District (PRD), Planned Unit Development (PUD), Low Density Office and Institutional (O-I) and there are alternative sites in the relevant service area zoned Heavy Commercial (C-H), General Commercial (C-G), Restricted Light Industrial (LI-R), Light Industrial (LI), or Heavy Industrial (HI), applicants must justify why those alternate sites have not been proposed. The Director of Development Services and/or Board of Commissioners shall review with special care justifications that appeal only to undue expense and/or to undue difficulties in entering into a lease agreement. The Director of Development Services and/or Board of Commissioners shall carefully weigh such claims, and the evidence presented in favor of them, against a project's negative impacts at the proposed site.
 2. Applicants shall provide evidence of the lack of space on all suitable existing towers to locate the proposed antenna and of the lack of space on existing tower sites for the proposed antenna. If co-location on any such towers would result in less visual impact than the visual impact of the proposed tower, applicants shall justify why such co-location is not being proposed. The Director of Development Services and/or Board of Commissioners shall review with special care justifications that appeal only to undue expense and/or to undue difficulties in entering into a lease agreement. The Director of Development Services and/or Board of Commissioners shall carefully weigh such claims, and the evidence presented in favor of them, against a project's negative impacts at the proposed site.
 3. The applicant shall provide a utilities inventory showing the locations of all water, sewage, drainage and power easements impacting the proposed tower site.
 4. The applicant shall additionally provide the following information: the results of an FAA study to determine if the proposed construction will be a hazard to air navigation, a Phase 1 environmental report, NEPA report, and Section 106 checklist detailing any possible latent environmental or historic property proximity issues.
 5. The applicant shall provide any other information requested by the Director of Development Services to fully evaluate and review the application and the potential impact of a proposed telecommunications facility.
- (2) Special Use.
- a. A request for a Special Use approval shall be initiated by application to the Director of Development Services and handled in accordance with the Special Use provisions of the Procedures and Permits Article of this Code.
 - b. In granting a Special Use approval, the Board of Commissioners may impose additional conditions to the extent determined necessary to screen or otherwise minimize adverse effects of the proposed tower or antenna on surrounding properties, including limiting the

height of proposed towers in residential areas. In no event shall a new alternative tower/structure to be placed on residentially-zoned property exceed 100 feet in height.

- c. Following receipt of a Special Use application, the Director of Development Services will ensure an expedited review of the building permit application for the same site utilizing information provided in the Special Use application.
- d. All applicants for Special Use approval shall submit the following in addition to all documentation required by the Procedures and Permits Article for Special Use applications. All information of an engineering nature that the Applicant submits, whether civil, mechanical or electrical shall be certified by a licensed professional engineer or qualified industry expert:
 1. Height of the proposed tower.
 2. Proximity of residential uses.
 3. Topography of the surrounding area.
 4. Surrounding tree cover and existing vegetation.
 5. Design of the structure with particular reference to characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 6. Whether there exist or have been approved other suitable towers or tall structures within the geographic area required to meet the proposed service provider's engineering requirements. The lack of suitable alternatives may be demonstrated by one or more of the following:
 - a.) That existing towers or tall structures are not located within the necessary geographic area.
 - b.) That existing towers or tall structures are not of sufficient height to meet system engineering requirements.
 - c.) That existing towers or tall structures do not have the structural capacity to support the service provider's antennae or do not have sufficient ground or interior space for related equipment.
 - d.) That the proposed service provider's antennae would cause interference with antennae on existing towers or tall structures or that existing systems would cause interference with the proposed service provider's signal.
 - e.) *That other limiting factors, not including economic considerations, render existing towers or tall structures unsuitable.*
 7. Photo simulation of the proposed tower/alternative structure appearance from multiple angles on the subject site.

343 (h) Considerations in Approval or Denial of a Telecommunications tower Special Use Permit.

The governing authority shall consider, but is not limited to, the following factors in action upon a Telecommunications Tower Special Use Permit under the provisions of this code:

- (1) The height and setbacks of the proposed tower.
- (2) The proximity of the tower to residential structures and residential district boundaries.
- (3) The nature of uses, as well as the height of existing structures, on adjacent and nearby properties.
- (4) The surrounding topography.
- (5) The surrounding tree coverage and foliage.
- (6) The design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

- (7) The proposed ingress and egress.
- (8) The availability of suitable existing towers or other structures for antenna co-location.
- (9) The impact of the proposed tower upon scenic views and the visual quality of the surrounding area.
- (10) The evidence submitted regarding the need for the tower in the area, including but not limited to propagation maps and other similar materials.
- (11) The portion of the tower that will be visible from adjacent and nearby residential properties.
- (12) The number of required trips to the tower site on a monthly basis.
- (13) The tower's effect on property values of adjacent and nearby residential properties.
- (14) The ratio of the height of the proposed tower to the height of the tallest adjacent and nearby structure.
- (15) Safety concerns associated with the proposed tower or antenna.
- (16) The tower's effect upon potential purchasers of adjacent and nearby residentially-zoned property.
- (17) The coverage or lack of coverage experienced by cell phone users in the area of the proposed tower.

343 (i) Review of Application by a Radio-Frequency Engineer.

- (1) Within five (5) business days of accepting the Special Use Permit Application, the Planning & Zoning Department shall refer the Special Use Permit Application to a Radio-Frequency Engineer for review and recommendation. Within thirty (30) business days after receiving the Special Use Permit Application for review, the Radio-Frequency Engineer shall submit a detailed report and findings regarding the Application to the Planning & Zoning Department, including but not limited to the need for the tower in the proposed location, whether or not the height of the tower should be lower than the height requested by the Applicant, and possible alternatives for the location of the tower. These findings shall be submitted to the Douglas County Planning & Zoning Board, Board of Commissioners and the Applicant for review within ten (10) business days of receipt by the Planning & Zoning Department, along with any staff report or recommendations prepared for the Board of Commissioner's consideration.
- (2) The Applicant shall have ten (10) business days after receiving the Radio-Frequency Engineer's findings and staff report to withdraw the Special Use Permit Application without prejudice. If the Application is not withdrawn by the Applicant within such time period, it shall be placed on the next available agenda for a public hearing by the Planning & Zoning Board and Board of Commissioners, consistent with the notice requirements in Article 12 of this code.

343 (j) Co-location.

Applicants for the erection of a tower or placement of an antenna shall be required to co-locate upon an existing tower or alternative tower structure. Applicant and owner shall allow other future personal wireless service companies, including public and quasi-public agencies, using functionally equivalent personal wireless technology to co-locate antennae, equipment and facilities on a telecommunications facility unless specific technical constraints prohibit said co- location. An exception to co-location shall only be made if the Applicant adequately demonstrates with substantial evidence that an existing tower suitable for co-location does not exist in the geographic antenna placement area utilizing the tower inventory maintained by the Planning & Zoning Department, and that no suitable alternative tower structure is available as set forth in Section 343(f)(1) contained herein. Applicant and other personal wireless carriers shall provide a mechanism for the construction and maintenance of shared facilities and infrastructure and shall provide for equitable sharing of cost in accordance with industry standards.

343 (k) Decisions.

Any decisions by the Board of Commissioners or the Director of Development Services denying or approving a request to place, construct, modify a telecommunications facility shall be in writing and supported by substantial evidence in a written record.

343 (l) Removal of antennae and towers.

- (1) Any telecommunications facility not operated for a continuous period of six (6) months shall be considered abandoned, whether or not the owner or operator intends to make use of it or any part of it. The owner of a telecommunications facility and the owner of the property where the facility is located shall be under a duty to remove the abandoned telecommunications facility within sixty (60) days. If such antenna and/or tower is not removed within 60 days of receipt of notice from the County, the County may, in the manner provided in the Official Code of Georgia Sections 41-2-7 through 41-2-17, remove such tower and/or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease utilizing the tower. The County may pursue any and all legal remedies available to it to insure that abandoned telecommunications facilities are removed. Delay by the County in taking action shall not in any way waive the County's right to take action. The County may seek to have the telecommunications facility removed regardless of the owner's or operator's intent to operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted.
- (2) If the owner of an abandoned tower or antenna wishes to recommence such use, the owner first must submit a new application for a use by right or Special Use approval.
- (3) Prior to the issuance of a permit for the construction of a tower or antenna, the owner of the tower or antenna facility shall procure a bond or a letter of credit from a surety with an office located in Douglas County, Georgia, in an amount not less than \$25,000.00 conditioned upon the removal of the tower and/or antenna, should it be deemed abandoned under the provisions set forth in paragraph (1) of this section. Such bond or letter of credit must be renewed at least every two (2) years during the life of the tower or antenna.

343 (m) Pre-existing towers/Non-conforming uses.

- (1) All existing nonconforming telecommunications facilities shall be governed as nonconformities under the Adoption, Purpose and Applicability Article of this Code, except that routine maintenance, including replacement with a new tower or antenna of like construction and height, shall be permitted on such existing telecommunications facilities. New construction other than routine maintenance shall comply with the requirements of this ordinance.
- (2) Placement of an antenna on a nonconforming structure shall not be considered an expansion of the nonconforming structure, however, all physically possible siting and placement requirements shall be met as determined by the Director of Development Services.

343 (n) Coordination with federal law.

Whenever the Board of Commissioners finds that the application of this Section would unreasonably discriminate among providers of functionally equivalent personal wireless services or prohibit or have the effect of prohibiting the provision of personal wireless services, a Special Use approval waiving any or all of the provisions of this Section may be granted.

Sec. 344 - Mobile Food Vendors.

344 (a) Definitions.

- (1) Commissary shall mean an approved catering establishment, restaurant, or other approved place in which food, containers or supplies are kept, handled, prepared, packaged or stored.
- (2) Mobile food vendor shall mean a retail food establishment that reports to and operates from a commissary and is readily moveable, is a motorized wheeled vehicle, or a towed wheeled vehicle designed and equipped to serve food.
- (3) Pushcart shall mean a non-self-propelled vehicle limited to serving commissary prepared or prepackaged food and non-potentially hazardous food, unless the equipment is commercially designed and approved to handle food preparation and service. Pushcarts shall not be required to comply with mobile vehicular safety requirements.
- (4) Temporary food establishment shall mean a retail food establishment, other than a licensed mobile food vendor or pushcart, that is not intended to be permanent and that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.
- (5) Ice cream truck shall mean a motor vehicle in which ice cream, popsicles, ice sherbets or other frozen desserts of any kind are carried for the purpose of retail sale on the streets of the county.

344 (b) Special Use Permit and License Required.

- (1) It shall be unlawful for any person to sell, or offer for sale, food of any type from a commissary, mobile retail food establishment, pushcart or temporary food establishment without a special use permit and peddlers license first having been granted under this section.
- (2) An application for a special use permit hereunder shall be submitted to the Planning and Zoning Department setting forth all information required hereunder and in compliance with this section. The special use permit to allow for mobile vendors shall be specific to the property on which it is granted, and does not convey any additional permissions for a mobile food vendor to be established on any other site.
- (3) In addition to any other required permits, a mobile food vendor shall obtain a peddlers license from the Occupational Tax Department. The following information shall be provided with each application for a peddlers license for a mobile food vendor permit:
 - a. Name of the mobile food vendor;
 - b. Make, model, and license plate number of vending unit;

- c. Owner's contact information;
- d. Operator's contact information;
- e. Type of vendor (street vending unit or sidewalk vending unit);
- f. Copy of approved permit from the local Environmental Health Department;
- g. List of operating locations and times;
- h. Signatures from property owners indicating consent for the use of their property;
- i. Signature of applicant indicating agreement to the listed requirements;
- j. Location of commissary.

344 (c) Prohibited Conduct and Requirements.

- (1) Except for ice cream trucks, no mobile food vendor shall conduct business or operate in the public right-of-way.
- (2) A mobile food vendor shall not operate on any private property unless a special use permit has been issued for that property.
- (3) A mobile food vendor shall maintain a \$1,000,000.00 liability insurance policy. Proof of current liability insurance, issued by an insurance company licensed to do business in Georgia, protecting the mobile food vendor, the public and the county from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the permit. Such insurance shall name the county as an additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days advanced written notice to the county.
- (4) Except for ice cream trucks, a mobile food vendor shall not make sounds or announcements to call attention to the mobile food vehicle either while traveling on the public rights-of-way or when stationary.
- (5) The license under which a mobile food vendor is operating must be firmly attached and visible on the mobile food vendor or pushcart at all times.
- (6) Any driver of a mobile food vendor motorized vehicle must possess a valid Georgia driver's license.
- (7) Except for ice cream trucks, mobile food vendors are allowed only in commercial and industrial zoning districts.
- (8) Mobile food vendors shall not be located within 15 feet of any street intersection or pedestrian crosswalk or 10 feet of any driveway.

- (9) No sale or offer for sale shall be made by any mobile food vendor between 9:00 p.m. and 6:30 a.m. unless such sale is in conjunction with a county-approved special event or film production permit.
- (10) Vending structures shall not be left unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation. Vending structures shall be housed at their commissary location when not vending and overnight. Commissary locations are allowed in the C-G, C-H and LI zoning districts.
- (11) No sale or offer for sale of ice cream, frozen milk, frozen dairy or ice confection products shall be made from a mobile food vendor unless each side of the vehicle is marked, in letters and numbers at least 3 inches in height, with the name and address of the mobile food vendor licensee.
- (12) The mobile food vendor shall comply with all state, federal and local health and safety regulations and requirements and shall obtain and maintain any and all licenses required by any other health, organization or governmental organization having jurisdiction over this subject matter.
- (13) The following safety regulations shall apply to any and all vehicles operating under this article or used for mobile retail food establishments:
- a. Every vehicle shall be equipped with a reverse gear signal alarm with a sound distinguishable from the surrounding noise level.
 - b. Every vehicle shall be equipped with two rear-vision mirrors, one at each side, firmly attached to the outside of the motor vehicle, and so located as to reflect to the driver a view of the highway to the rear, along both sides of the vehicle.
- (14) The mobile food vendor may sell food and non-alcoholic beverage items only.
- (15) Mobile food vendors are responsible for all waste disposal according to county ordinances.
- (16) Mobile food vendors shall not occupy any parking space reserved for persons with disabilities.

344 (d) Indemnity.

As part of the permitting process set forth herein, any person or entity receiving a permit set forth herein shall execute an indemnity agreement indemnifying and releasing the Douglas County, its agents, employees and elected officials from any and all liability against any and all claims, actions and suits of any type whatsoever.

Sec. 345 - Schools, private.

Private elementary and secondary schools, colleges and technical schools are subject to following minimum requirements:

345 (a) Private elementary and secondary schools.

Private, parochial, or other elementary, middle, junior high, or high schools not part of the public school system must meet the following standards.

- (1) The private school must provide a curriculum recognized by the state Board of Education as being equivalent to that offered in the public school system under state standards.
- (2) Minimum lot size of 5 acres.
- (3) Minimum public road frontage of 100 feet on a minor or major collector or arterial road.
- (4) Temporary mobile classrooms require Special Use approval.

345 (b) Private colleges, universities and technical schools.

Private colleges, junior colleges, universities, and technical schools are allowed by Special Use approval in any zoning district when located on a site of at least 20 acres which has at least 400 feet of frontage on a major or minor thoroughfare or on a collector street, and provided that no building or structure be located nearer than 75 feet to any lot line and provided that no parking area or driveway be located nearer than 20 feet to another lot in a residential zoning district.

- (1) The private school must be eligible for accreditation by a national educational organization recognized by the state.
- (2) The private school must offer a curriculum and degrees equivalent to those offered in similar but public schools operated by the state Board of Regents.

Sec. 346 - Scrap yards and junkyards.

Scrap yards and junkyards must comply with the following:

- (1) Such use must be located no closer than 1,000 feet to any state or federally funded street or highway right-of-way, no closer than 1,000 feet from any free-flowing creek, stream, or river and not located within the one-hundred-year floodplain and that any such use shall have no direct discharge or spillover into any free-flowing creek, stream, or river.
- (2) Comply fully with all state regulations relating to these facilities including but not limited to O.C.G.A. Section 32-6-241.
- (3) Local streets and streets in recorded subdivisions shall not be used as part of any truck traffic route giving access to the facility. The entrance or entrances shall be directly off a state or federal highway or a major or minor county thoroughfare as shown on the land use and thoroughfare plan and truck traffic routes and entrances to the facility shall be approved by the Department of Transportation Director.
- (4) Facility shall not be located within the Dog River, Bear Creek, or Sweetwater Creek Drainage Basins.
- (5) Such use shall be surrounded by a polymer or composite based solid material opaque fence or solid masonry wall at least 8 feet tall.
- (6) No such activity may be conducted within 100 feet of any property line or within 300 feet of any property zoned or used for residential purposes.
- (7) All burning shall be in conformance with the State of Georgia Air and Water Pollution Act.
- (8) There shall be adequate drainage with no slope less than 5 percent in grade and shall be adequately maintained to prevent rodent and vermin infestation, and meet EPA specifications in regard to contamination.
- (9) Junk vehicles shall not be stacked or layered as to endanger public health and welfare.
- (10) The minimum areas for a junkyard shall be 5 acres and the maximum area shall be 25 acres.
- (11) Exterior lighting shall be arranged so that it is deflected away from adjacent properties and thoroughfares.
- (12) The incidental sale of used parts, materials or equipment salvaged on the site shall be permitted.

Sec. 347 - Spectator and amusement developments.

347 (a) Stadiums, coliseums, arenas and amphitheaters.

Stadiums, coliseums, arenas and amphitheaters are subject to the following requirements:

- (1) Plan approval.
 - a. Traffic and parking plan to be approved by the Department of Transportation Director.
 - b. Hours of operation to be approved by the Board of Commissioners
 - c. Noise abatement plan to be approved by the Board of Commissioners.
- (2) Site requirements for an amphitheater.
 - a. Minimum site area of 5 acres.
 - b. A minimum of a fifty-foot wide zoning buffer, meeting the requirements for zoning buffers in the Landscaping, Buffers and Tree Conservation Article of this Code, be established and maintained adjacent to all abutting residentially zoned property lines.
 - c. The use shall be located on minor or major arterials only.
- (3) Site Requirements for a coliseum, stadium or arena.
 - a. Minimum site area of 10 acres.
 - b. A minimum 1,000-foot setback from any residential district.
 - c. A minimum of a fifty-foot wide zoning buffer, meeting the requirements for zoning buffers in the Landscaping, Buffers and Tree Conservation Article of this Code, be established and maintained adjacent to all abutting residentially zoned property lines.
 - d. The use shall be located on minor or major arterials only.

347 (b) Amusement and recreational developments.

All amusement and recreational developments (including theme parks and racetracks) not included under Section 347 (a) must meet the following requirements:

- (1) Development Plan Required.

Recreational developments, including amusement and theme parks and racetracks, are required to provide a comprehensive development plan to the Department of Development Services prior to the issuance of any permits. This plan must be on a scale of not less than 1 inch to 400 feet and shall include:

 - a. The location and function of all buildings;
 - b. Modification of natural landscape;
 - c. The location and surface treatment of all roadways and parking areas;
 - d. Overall parking, pedestrian circulation and landscape plan; and
 - e. Details for drinking water and sanitary facilities approved by the County Health Department or state of Georgia Department of Natural Resources.
- (2) Site Requirements.

- a. Minimum acreage of 5 acres.
- b. Minimum 100 foot zoning buffer, meeting the requirements for zoning buffers in the Landscaping, Buffers and Tree Conservation Article of this Code, be established and maintained adjacent to all abutting residentially zoned property lines.
- c. Such use shall not be located closer than 500 feet from any school property line.
- d. Such use shall not be located closer than 200 feet from any residential property line.

347 (c) Nature preserve.

A nature preserve, including but not limited to a wildlife sanctuary, conservation area or game preserve, shall provide a minimum setback for any barn, pen, corral or other structure housing animals of 200 feet from all property lines.

Sec. 348 - Temporary events.

Purpose and Intent: The purpose and intent of this ordinance is to create regulations applicable to all lands in the County that address impacts of temporary events such as noise, light, dust, traffic and parking. The purpose and intent of this ordinance is to provide for event uses that are incidental to the primary use of land and shall not displace or impede the primary use. All applicable fire, health and safety ordinances and regulations shall apply.

Applicability: The provisions of this section shall apply to all temporary events held in the County. Such uses shall be subject to all provisions set forth herein, as applicable. A temporary event shall always be subordinate to the principle use on the lot and requires approval of an Administrative Temporary Event Permit. If no principle use exists on the lot, a temporary special event may only be approved by the Board of Commissioners at a regularly scheduled meeting.

Section 348 (a) Definitions

1. **Temporary Special Event:** A use established for a limited duration with less than 200 attendees, such as, but not limited to, parties, receptions, weddings, celebrations and fundraisers, with the intent to discontinue such use upon the expiration of the time period. A temporary special event is primarily social in nature and allows for the gathering of participants without participation in organized activities and without payment of an entrance fee.
2. **Temporary Business Event:** A use established for a limited duration with less than 200 attendees at a given time, such as, but not limited to, a grand opening, special promotion or sale, seasonal holiday activities etc. The temporary event shall further the commerce of the business on the property, and shall be completely contained to the property with no additional parking or other off site impacts. Inclusion of amplified sound in the event shall be evidence that a temporary outdoor event permit is required. Inclusion of alcohol sales or service in the event shall be evidence that a temporary alcohol permit may be required.
3. **Temporary Outdoor Event:** A use established for a limited duration that may include in excess of 200 guests or participants in attendance at one time during a 24-hour period. A temporary outdoor event anticipates the gathering of individuals, with or without payment of an entrance fee, for participation in organized activities, such as, but not limited to, festivals, concerts, road races, or bike races.
4. **Seasonal Business Use:** An activity having a specific duration related to a holiday or special event which is secondary to the primary business or group occupying the property such as, but not limited to, Christmas Tree Sales, Pumpkins/Gourds, Valentines Baskets, Fireworks Sales, etc.
5. **Agricultural Related Events:** An activity with a specific connection to agricultural activities on the property, such as a petting zoo, educational tours, dude ranches, pay fishing, health and wellness activities, community supported agriculture (CSA) cooperatives, pick-your-own produce activities, and direct-to-consumer sale activities.
6. **Film and Entertainment Event:** A temporary administrative event permit shall be required for any event that will conduct commercial filming, photography or other media production within unincorporated Douglas County.

348 (b) Administrative Temporary Event permits – application requirements.

All temporary events are subject to the requirements of other Douglas County Departments such as Emergency Medical Services Plans, Emergency Planning and Preparedness, tent permits, pyrotechnics permits, food service permits, etc.

(1) Filing

A person seeking issuance for a temporary event shall file an administrative event permit with the Director of Development Services or his designee on the designated form.

(2) Indemnification agreement -No temporary event permit will be issued unless the applicant agrees to release, indemnify and hold harmless the County for and from any liability for personal injuries or property damage sustained by any person in connection with any activities for which a permit under this section would be issued.

(3) Filing period - An application for administrative approval of a temporary event shall be filed with the Director of Development Services or his/her designee not less than 14 business days prior to when such temporary event shall occur, unless a greater time is required elsewhere in the Unified Development Code or Code of Ordinances. Applications requiring special use permit approval must meet all of the filing requirements of Article 12 of this Code.

(4) Contents - The application for the temporary event shall include at a minimum the following and shall be evaluated on this criteria in addition to those standards listed for each type of temporary event:

(a) The name, address and telephone number of the person seeking to conduct such temporary event.

(b) If the temporary event is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarter/office of the organization and of the authorized and responsible parties for such organization.

(c) The name, address, and telephone number of the person who will be the event chairman/coordinator and who will be responsible for the conduct at the event.

(d) The date when the temporary event shall occur.

(e) The route(s) proposed for ingress/egress to access the temporary event location. All ingress and egress shall be shown on the plan submitted and shall be from a public right-of-way to include adherence to roadway design standards for safety of the travelling public as evaluated by DCDOT.

(f) The approximate number of people, patrons, vendors, vehicles which will attend the event.

(g) The hours the event will start and terminate (including set-up and break-down times). Allowable hours of operation are listed in each section of allowable temporary events in this section.

- (h) A written parking plan for off-street parking for the event. There shall be no parking allowed on the right-of-way for any event. All parking must be clearly marked and must meet safety standards as determined by DCDOT as shown on a parking plan to include aisles, stalls, and parking management.
- (i) A written emergency action plan (including private medical services as required). All events must provide for Fire and EMS services in the case of an emergency whether by private service as may be required or through 911 services of the county. The number of on site safety personnel must be approved by the DC Fire Department and DC Sheriff's Office.
- (j) Outdoor lighting; There shall be no lighting directed towards any right-of-way or any adjacent residential property. All lighting shall be shown to be directed towards the interior of the property containing such temporary event.
- (k) Applicant shall provide sufficient proof of an adequate level of insurance in full force and effect to the satisfaction of the Douglas County Risk Manager.
- (l) Any additional information enumerated on the application form provided by Development Services for such temporary event.

(5) Review - The application shall be reviewed by a panel of administrative personnel to include Planning and Zoning, Code Enforcement, DCDOT, DC Fire Department, DC Sheriff's Department and other staff as required. Approval is required by all administrative departments prior to issuance of the temporary event.

(6) Allowable Number of Events – A limited number of temporary event permits may be granted in a calendar year. Any property proposing to exceed the thresholds of this ordinance must apply for, and be granted a special use permit.

- a. A limit of four (4) temporary special events may be granted for any site or property in a calendar year.
- b. A limit of two (2) temporary outdoor events may be granted for any site or property in a calendar year.
- c. A limit of four (4) temporary business events may granted for any site or property in a calendar year.
- d. A limit of one (1) seasonal business use property may be granted per holiday or seasonal use per site or property in a calendar year.
- e. A limit of four (4) temporary agricultural related events may be granted for any site or property in a calendar year.
- f. A limit of three (3) temporary film or entertainment permits may be granted for any site or property in a calendar year.
- g. A maximum number of four (4) temporary event permits for any combination of the above uses may be granted for any site or property in a calendar year without obtaining a special use permit.

(7) Approval - Table 348-1 describes the specific approvals needed for an event, based on the information in the application. The applicant will receive written notification of the decision by staff including, a temporary event placard any conditions if any of the

temporary event permit approval. The placard shall be clearly displayed on the site where the event is to take place.

Table 348-1 Approval Thresholds for Temporary Administrative Permits

Permit Type	Staff Review	Board of Commissioners Chair	District Commissioner Notification*
Temporary Special Event	X		
Temporary Outdoor Event	X		
Temporary Business Event	X		
Seasonal Business Use	X		
Agricultural Related Events	X		
Film and Entertainment	X		
Any Event Requiring a Temporary Alcohol Permit	X	X	
Any Event with Amplified Outdoor Music	X		X
Any event anticipated to exceed 200 participants over the course of the event	X	X	X
Any event (other than seasonal business event) that will exceed one day	X	X	X

*All members of the Board of Commissioners shall receive notice of all temporary event applications and approvals.

(8) Fees – any fees required for processing of temporary event applications must be paid at the time the application is submitted. The Director of Development Services shall have five (5) days to review an application for completeness prior to processing. Fees are non-refundable after the completeness check if the application is determined to be complete and forwarded for a full review.

(9) Appeals - Any person or persons aggrieved by any decision of the Development Services Director or his designee relating to the Temporary Event Permit may initiate an

appeal to the Planning & Zoning Board within 30 days as set forth in Article 13, Section 1306, Appeal of an Administrative Decision of the Douglas County Unified Development Code.

(10) Any event that takes place in a county park or other county owned facility will require approval of the Managing Director of the Department that oversees the facility and the County's Risk and Safety Department. Applications shall be submitted on a form that is created for that purpose in lieu of a temporary event application. In the event that no such form exists within that department, the application requirements of this section shall govern.

(11) Any event that requires a temporary alcohol permit must have an approved temporary event permit, in addition to meeting all of the requirements for obtaining a temporary alcohol permit. Any event hosted in a county facility will be required to submit written approval of the Managing Director of the Department that oversees the facility prior to obtaining a temporary event permit or temporary alcohol permit.

348 (c) Seasonal business use.

Definition: an activity having a specific duration related to a holiday or special event which is secondary to the primary business or group occupying the property such as Christmas Tree Sales, Pumpkins/Gourds, Valentines Baskets, Fireworks Sales, etc.

(1) A seasonal business use must correlate to a calendar holiday or event. Said permit shall not exceed a total of 30 consecutive days for each use. Said permit must be posted on site such that it is visible from the street. An application for said permit shall be made no less than 14 days prior to the event. Example: one permit may be issued for the sale of Christmas trees for a maximum of 30 consecutive days. A second permit may be issued for the sale of pumpkins for a maximum of 30 consecutive days.

(3) The hours of operation shall be 8:00 a.m. to 8:00 p.m. Sunday through Saturday. This shall include all set-up and breakdown of events and any sound check by live performers.

(4) Two copies of a drawing, no larger than 11" x 17", with dimensions (distances in feet) of the activity's location from the site's property lines and other minimum distance requirements as specified by this Section shall be submitted to the Development Services Department with the permit application for approval. Drawing shall incorporate north arrow, curb cuts and traffic patterns/parking.

(5) Any display or sales activity shall maintain a minimum 20-foot setback from the right-of-way and shall not be located within a required landscape strip or buffer. Said displays shall also maintain a minimum 10-foot setback from any internal drive or permitted curb cut.

- (6) A minimum of 10 parking spaces shall be provided for the exclusive use of the seasonal business and shall not occupy the minimum required parking spaces for any other use on site.
- (7) No temporary sanitary facility or trash receptacle may be located within 100 feet of a property line of a residential use.
- (8) No tent, table or other temporary structure shall be located within 100 feet of a residential structure. Sales from vehicles are prohibited.
- (9) Tents less than 5,000 square feet do not require a building permit; tents equal to or greater than 5,000 square feet require a structural plan review and a building permit. All tents are subject to approval by the Fire Department.
- (10) No equipment, vehicle or display or sales activity shall block access to a public facility such as a mail box, parking meter, fire hydrant, fire alarm box, traffic control box, driveway or other access point.
- (11) A sound level of 65 DBA shall not be exceeded at adjacent property lines of any residential use as determined by Douglas County Officials and measured utilizing an approved sound meter device.
- (12) Signage shall be in accordance with Article 7 of the Unified Development Code.

348 (d) Temporary special event, business event or outdoor event.

- (1) Any business that desires to exceed four (4) outdoor temporary event permits per calendar year is required to apply for a Special Use Permit.
- (3) The hours of operation shall be 8:00 a.m. to 8:00 p.m. Monday through Thursday, and Sunday, and 8:00 a.m. to 10:00 p.m. Friday and Saturday. This shall include all set-up and break down of events and any sound check by live performers.
- (4) Two copies of a drawing, no larger than 11" x 17", with dimensions (distances in feet) of the activity's location from the site's property lines and other minimum distance requirements as specified by this Section shall be submitted to the Development Services Department with the permit application for approval. Drawing shall incorporate north arrow, curb cuts and traffic patterns/parking.
- (5) The applicant shall provide a notarized written permission statement from the property owner (if different from applicant) of the subject site to the Development Services Department. A 24-hour contact number of the property owner shall be provided along with the permit application.
- (5) Any display or sales activity shall maintain a minimum 20-foot setback from the right-of-way and not be located within a required landscape strip or buffer. Said displays shall also maintain a minimum setback of 10 feet from any internal drive or permitted curb cut.

- (6) Any stage or other live entertainment shall not be located within 250 feet of a property line of any residential use.
- (7) No temporary sanitary facility or trash receptacle may be located within 100 feet of a property line of a residential use.
- (8) No activity area, tent, table or other temporary structure shall be located within 250 feet of a residential structure. Sales from vehicles are prohibited.
- (9) Tents less than 5,000 square feet do not require a building permit; tents equal to or greater than 5,000 square feet require a structural plan review and a building permit. All tents are subject to approval by the Fire Department.
- (10) The entire site/event must comply with Douglas County's parking requirements based on the proposed use. All parking shall be located at least 100 feet from a property occupied by a residential structure.
- (11) All permitted access/curb cuts shall be from local streets.
- (12) No equipment, vehicle, or display or sales activity shall block access to a public facility such as a mailbox, parking meter, fire hydrant, fire alarm box, traffic control box, driveway or other access point.
- (13) A sound level of 65 DBA shall not be exceeded at adjacent property lines of any residential use as determined by Douglas County Officials and measured utilizing an approved sound meter device.
- (14) Signage shall be in accordance with Article 7 of the Unified Development Code.
- (15) No parking is allowed within the right-of-way.
- (16) All parking and access areas must be of an all-weather surface approved by the Douglas County DOT.

348 (e) Agricultural-related events.

Certain agricultural-related activities are allowed on property zoned AG, R-A or R-LD with an administrative temporary event permit or special use permit in compliance with the development standards listed in this section to preserve the nature of agricultural areas. Such uses shall include, but are not limited to, petting zoo, educational tours, dude ranches, pay fishing, health and wellness activities, community supported agriculture (CSA) cooperatives, pick-your-own produce activities, farm weddings and celebrations rentals, and direct-to-consumer sales activities.

- (1) Minimum lot size is 5 acres in the R-LD zoning district. There is no minimum lot size in the AG and R-A zoning district.

Sec. 349 - Temporary offices for a development.

In all major subdivisions, a permit may be granted for the temporary use of one of the homes, or for the parking of a manufactured home or industrialized building, to be used as a construction office or a real estate sales office for sale of the lots for new homes to be built and developed within the boundaries of the development. A temporary construction or sales office, where otherwise allowed, shall meet the following criteria:

349 (a) Temporary construction buildings.

Temporary buildings used in construction work may be permitted in any zoning district and shall be removed immediately upon completion of construction.

349 (b) Temporary sales office; location.

The temporary sales office shall be located on a lot within an area that has received Final Plat approval and has been recorded with the Clerk to the Superior Court.

349 (c) Temporary sales office; restrictions.

- (1) Sales shall be limited to the lots and buildings within the subdivision where the temporary sales office is located, as defined by the recorded Final Plat.
- (2) The temporary sales office may be a manufactured home or industrialized building.

349 (d) Temporary sales office; removal.

The temporary sales office shall be removed within 30 days after Certificates of Occupancy or connections to permanent power have been approved on 90 percent of the lots in the subdivision.

Sec. 350 - Utility substations.

Electric transformer stations, gas regulator stations, telephone exchanges and other public utility substations must comply with the requirements of this Section.

350 (a) Standards applying to electrical substations in the R-A, R-LD and R-MD zoning districts.

Electrical substations meeting the following standards are allowed in the R-A, R-LD and R-MD zoning districts:

- (1) Minimum lot size: 5 acres, having both a width and depth of no less than 400 feet;
- (2) The actual substation shall be surrounded by a protective fence at least 8 feet in height and at least 500 feet from any building used as a residence for one or more families, and said fence be at least 100 feet from every property line;
- (3) A zoning buffer at least 35 feet wide, meeting the requirements for zoning buffers in the Landscaping, Buffers and Tree Conservation Article of this Code, be planted and maintained along all side and rear property lines;
- (4) The front yard shall be heavily landscaped as defined in the Landscaping, Buffers and Tree Conservation Article of this Code; and
- (5) No vehicles or materials may be stored on the property.

350 (b) Standards applying to all utility substations in all zoning districts.

- (1) These uses shall be essential for service to the area in which located.
- (2) The required front yard and other open space on the premises outside the fenced area shall be grassed, landscaped and maintained in an appropriate manner.
- (3) Site and development plans shall be approved by the Development Services Director to insure compatibility of the facilities with the neighborhood in which they are to be located.
- (4) Any building or structure, except an enclosed fence, shall be set back not less than 40 feet from any property line and shall meet all applicable minimum building setback requirements.
- (5) These uses shall be enclosed by a fence not less than 8 feet in height.
- (6) Within an agricultural or residential zoning district, a zoning buffer at least 25 feet wide shall be provided in accordance with the provisions of the Landscaping, Buffers and Tree Conservation Article of this Code. When located in any office/commercial district, the facility shall be furnished with a planted zoning buffer not less than 10 feet wide to create an effective visual screen on all sides.
- (7) The storage of vehicles and equipment on the premises shall be prohibited.

Sec. 351 - Waste handling or disposal.

351 (a) Definitions related to waste handling or disposal.

Biomedical Waste: Any solid waste which contains pathological waste, biological waste, cultures, and stocks of infectious agents and associated biologicals, contaminated animal carcasses (body parts, their bedding, and other wastes from such animals), chemotherapy waste, discarded medical equipment and parts, not including expendable supplies and materials, which have not been decontaminated in accordance with the rules of the Georgia Environmental Protection Division.

Biomedical Waste Disposal or Transfer Facility: A facility engineered and designed for the collection and/or transfer of biomedical waste products such as used gauze, syringes, needles, bandages, test tubes and surgical wastes from a collector vehicle to a transport vehicle for conveyance to another destination for incineration or disposal.

Composting: The controlled biological decomposition of organic matter into a stable, odor free humus.

Composting Center: A site or facility in which composting activities take place under controlled conditions.

Construction/Demolition Waste: Waste building materials and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings and other structures. Such wastes include, but are not limited to asbestos containing waste, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material, and other nonputrescible wastes which have a low potential for groundwater contamination.

Garbage: Food waste including waste accumulations of animal or vegetable matter used or intended for use as food, or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.

Hazardous Material or Substance: Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive, or otherwise potentially injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

Hazardous Waste: Solid or liquid waste material resulting from the manufacture or use of pesticides and drugs (other than normal household use); pathological wastes; highly flammable or explosive wastes; toxic wastes; sewage sludges; and other waste material that may be a hazard to the public health, safety or environment, except radioactive waste materials as defined by the State of Georgia.

Hazardous or Toxic Waste Transfer Station: A facility in which toxic or hazardous wastes are brought in to the site exclusively for transferal to another vehicle that will transport the wastes to another facility for disposal.

Household Waste: Any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).

Inert Waste Landfill: A disposal facility accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves. This definition excludes industrial and demolition waste not specifically listed above.

Materials Recovery Facility: A solid waste handling facility that provides for the extraction from solid waste of recoverable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

Putrescible Wastes: Wastes that are capable of being quickly decomposed by microorganisms. Examples of putrescible wastes include but are not necessarily limited to kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, dead animals, garbage and wastes which are contaminated by such wastes.

Recycling: Any process by which materials that would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

Recycling Center, Collecting: Any facility utilized for the purpose of collecting materials to be recycled including, but not limited to, plastics, glass, paper and aluminum materials. A drop off point for temporary storage of recyclables, no processing or reprocessing of materials is allowed. Such use may be principal or accessory to a non-residential use on non-residentially zoned property.

Recycling Center, Reprocessing: A facility, in which recyclables, such as newspapers, magazines, cardboard, books and other paper products; glass; metal cans; and other products, are recycled, reprocessed and treated to return such products to a condition in which they may again be used in new products. This does not include the reprocessing or storage, bailing or otherwise dealing in scrap irons or other metals, used cloth, plumbing fixtures, appliances, brick, wood or other building materials; and the storage or accumulation outside of a storage building of used vehicle tires or tire carcasses. A recycling center is not to be considered a landfill.

Sludge: Any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

Solid Waste: Any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. Section 1342; or source, special nuclear, or by-product material as defined by the federal Atomic Energy Act of 1954, as amended (68 Stat. 923).

Solid Waste Disposal Facility: Any facility or location where the final disposition of solid waste occurs and includes, but is not limited to, landfilling and solid waste thermal treatment technology facilities.

Solid Waste Handling: The storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste, or any combination of such activities.

Solid Waste Handling Facility: Any facility, the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste.

Solid Waste Transfer Station: A facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal facility or processing operation.

Toxic Waste: Any combination of pollutants, including disease-carrying agents, that, after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, can cause death or disease, mutations, deformities, or malfunctions in such organisms or their offspring and that adversely affect the environment.

Yard Trimmings: Leaves, brush, grass, clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance other than mining, agricultural, and silvicultural operations.

351 (b) Recycling collection location.

The following requirements apply to any recycling collection location:

- (1) There shall be no perishable or food items allowed.
- (2) The location must be maintained in a safe, clean, neat and sanitary fashion.
- (3) The location shall not encompass an area larger than two hundred eighty square feet.
- (4) Such location shall be visually screened and maintained.
- (5) Such location shall be within the building setbacks unless otherwise approved by the Director of Development Services due to topography, safety, internal traffic flow, site distance, or for other site-related circumstances not created by the property owner.

351 (b) Materials Recovery/Salvage/Junk Facility.

Commercial recycling facilities shall comply with, as applicable, the rules of the Georgia Department of Natural Resources Environmental Protection Division; all applicable provisions of O.C.G.A. Section 12-8-230; and all regulations of the federal government.

Commercial recycling facilities must meet the following requirements:

- (1) Small recycling facility.

In addition to the requirements that apply to all recycling facilities under Section 351 (c)(3), the following minimum standards apply to any recycling facility containing less than 2,000 square feet of floor space:

- a. The minimum site, including land for zoning buffers and related uses, which may be conducted for a small recycling facility site shall have an area of at least 5 acres.
- b. A minimum of a 25 foot wide zoning buffer meeting the standards of this Code shall be preserved and/or established and maintained adjacent to all exterior property lines adjacent to residential properties, schools, or churches.

- (2) Large recycling facility.

In addition to the requirements that apply to all recycling facilities under Section 351 (c)(3), the following minimum standards apply to any recycling facility containing 2,000 square feet of floor space or more:

- a. The minimum site, including land for buffers and related uses, which may be conducted for a large recycling facility site shall have an area of at least 50 acres.

- b. A minimum of a 50 foot wide zoning buffer meeting the standards of this Code shall be preserved and/or established and maintained adjacent to all exterior property lines adjacent to residential properties, schools, or churches.

(3) Recycling center requirements; all facilities.

In addition to the requirements under Sections 351 (c)(1) and 351 (c)(2), as applicable, the following minimum standards apply to all recycling facilities:

- a. The operating portion of these facilities shall not be permitted within 200 feet of a residence in existence when the permit is approved.
- b. Local streets and streets in recorded subdivisions shall not be used as part of any truck traffic route giving access to the facility. The entrance or entrances shall be directly off a state or federal highway or a major or minor county thoroughfare as shown on the land use and thoroughfare plan and truck traffic routes and entrances to the facility shall be approved by the county engineer. The drive from the public street to the scale house shall be paved with asphaltic or Portland cement concrete.
- c. All facilities shall have an operator in attendance at all times when the recycling facility is in use, whose qualifications meet any applicable state law requirements, and the entrance to the facility must be barricaded when closed to the public.
- d. All facilities hereafter established or operated shall be constructed to prevent road vehicles access except when the facility is in use.
- e. All facilities hereafter established or operated shall be enclosed with a security fence at least 8 feet high with blinders, slats or similar screening materials installed or some other similar fencing materials or device. Litter control fencing shall be adequate to prevent paper and similar or related refuse from blowing from the facility onto neighboring property.
- f. Any change in the normal drainage of the property upon which the facility is located shall be accommodated by storm sewers or equivalent measures approved by the county engineer, as necessary to properly care for drainage; these storm sewers or equivalent measures shall be installed or constructed at the expense of the owner or applicant.
- g. Certificates by a registered engineer that the site meets state standards shall be submitted prior to the public hearing. A state construction permit as applicable, the county Special Use approval, and written approval of the public works department director, shall be required before any recycling operation begins.
- h. The facility shall be operated in such a manner as to prevent air, land or water pollution, public health hazards, or nuisances.
- i. Materials sent to the facility that are unused for recycling, shall be disposed of in accordance with state and county requirements.
- j. All recycling facilities shall have and keep on their premises in good working order adequate equipment to comply with the requirements established for the use.
- k. All operators of recycling facilities must operate them in a manner to prevent fires and meet all other requirements of the fire codes. Burning of any type of refuse is prohibited. Outside storage must be shown on the site plan and approved by the county engineer. The recycling facility must be operated in accordance with applicable state and county environmental requirements.

- l. Facility must comply with the Douglas County-Douglasville Solid Waste Plan.
- m. Facility shall not be located within the Dog River, Bear Creek, or Sweetwater Creek Drainage Basins.
- n. The licensee shall permit at any time during business hours an inspection of the premises by officials of Douglas County or their designees.
- o. The applicant shall hold harmless Douglas County in any litigation resulting from any application or from recycling or other operations.
- p. Cleaning of vehicles and containers shall be performed so that runoff shall not enter the sanitary sewer system nor shall it runoff into adjoining properties.
- q. An Environmental Impact Analysis (EIA) shall be prepared to gage the extent of negative impacts from these uses on the natural and man-made environment. Such impact statements shall include but not be limited to the following:
 - 1. Land use compatibility.
 - 2. Hydrology.
 - 3. Transportation.
 - 4. Social and economic impact.
 - 5. Geological investigations (to include test borings at ten (10) acre intervals to determine subsurface conditions).
 - 6. Historic, archaeological, and cultural resources.
 - 7. Flood plains.
 - 8. Air quality.
 - 9. Impact on farmlands.
 - 10. Utilities.
 - 11. Noise, odors, vibrations, electromagnetic fields, glare, and smoke.
 - 12. Aesthetic and visual impacts.
 - 13. Endangered species.
 - 14. Effect on property values.

351 (c) Wood chipping/shredding and yard trimming composting facilities.

- (1) Composting materials shall be limited to tree stumps, branches, leaves and grass clippings or similar vegetative materials, and not include animal products, inorganic materials such as bottles, cans, plastics or metals, or similar materials.
- (2) A 3 foot high landscape earthen berm with a maximum slope of three to one and/or a minimum 6 foot high, 100 percent opaque, solid imitation-wood vinyl fence, polymer or composite based material opaque fence, or masonry wall shall be constructed around the entire perimeter of the facility.
- (3) The fence/wall or berm must be located outside of a public right-of-way and interior to any landscape strip. The finished side of a fence/wall shall face the exterior property lines.

351 (d) Solid waste disposal facilities (landfills), incinerators, or transfer stations.

Privately operated non-inert solid waste disposal facilities, incinerators, or transfer stations shall comply with the following:

- (1) Regulations.
 - a. All rules and regulations of the Georgia Department of Natural Resources, Environmental Protection Division (EPD), relating to solid waste management including but not limited to Section 391-3-4.
 - b. All provisions of O.C.G.A. Section 12-8-20.
 - c. Rules and regulations of the Federal EPA and all other applicable federal regulations including Federal Register 40 CFR 257-258.
 - d. The facility must comply with the Douglas County Solid Waste Management Plan as may be amended.
- (2) Site requirements.
 - a. The minimum site, including land for buffers and related uses, which may be considered for a landfill site shall have an area of at least 240 acres.
 - b. Landfills, incinerators, and transfer stations shall not be permitted within 500 feet of a residence in existence when the permit is approved.
 - c. A minimum of a 200 foot wide zoning buffer meeting the standards of this Code shall be provided adjacent to all exterior property lines.
 - d. Facility shall not be located within the Dog River, Bear Creek, or Sweetwater Creek Drainage Basins.
 - e. The entrance or entrances shall be directly off a state or federal highway or a major or minor county thoroughfare as shown on the land use and thoroughfare plan and truck traffic routes and entrances to the facility shall be approved by the county engineer. The drive from the public street to the scale house shall be paved with asphaltic or Portland cement concrete.
 - f. All facilities hereafter established or operated shall be enclosed with a security fence at least 8 feet high with blinders installed or some other similar fencing materials or device. Litter control fencing shall be adequate to prevent paper and similar or related refuse from blowing from the facility onto neighboring property.
 - g. Any changes in the normal drainage of the property upon which the facility is located shall be accommodated by storm sewers as necessary to properly care for drainage; these storm sewers shall be installed at the expense of the owner or applicant.
- (3) Operations.
 - a. All facilities shall have a Georgia State EPD certified operator in attendance at all times when the fill is in use, and this fill must be barricaded when closed to the public.
 - b. The facility shall be operated in such a manner as to prevent air, land or water pollution, public health hazards or nuisances.

- c. All sanitary landfills shall have and keep on their premises, in good working order, adequate equipment to comply with the requirements established for the use.
 - d. All operators of sanitary landfills must pack and cover every 24 hours all materials placed thereon with at least 6 inches of earth in such manner as to prevent fires and meet any and all other requirements of the fire code. All completed sanitary landfills or sections thereof, must be covered with at least 2 feet of earth and permanent erosion control measures shall be instituted. Scavenging and burning of any kind of refuse on the fill is prohibited.
 - e. Recycling, composting, chipping and other processes shall be employed to minimize the volume of material buried in the landfill.
 - f. Appropriate insurance and performance bonding shall be required as well as contractual liability agreements with waste generators shall be required throughout the life of the operation and for the duration of closure liability .
 - g. The licensee shall permit at any time during business hours an inspection of the premises by officials of Douglas County or their designees.
- (4) Approval.
- a. Certification by a registered engineer that the site meets state standards shall be submitted prior to the public hearing. A state construction permit, a Special Use approval by the County, and written approval of the landfill operator and county engineer shall be required before any fill operation begins.
 - b. All operations, whether they are landfills, transfer stations, or incinerators must be sited, constructed, and operated in accordance with county, state, and federal guidelines. Seven copies of a detailed to-scale site plan must be submitted to the County for review prior to approval. Such a site plan must contain the following:
 - 1. Existing land use and zoning.
 - 2. Existing infrastructure/utilities.
 - 3. Existing soil conditions.
 - 4. Existing geological formations.
 - 5. Topographical features.
 - 6. Existing vegetation.
 - 7. Transportation including ingress and egress.
 - 8. Existing water courses and features.
 - 9. Existing flood plains and wetlands.
 - 10. Proposed improvements to the property in detail and to scale: include phasing plan if necessary.
 - 11. Proposed removal of vegetation.
 - 12. Proposed ingress and egress points.
 - 13. Proposed land excavation and disturbance.

- c. An environmental impact analysis (EIA) shall be prepared by the applicant to gauge the extent of negative impacts from these uses on the natural and man-made environment. The EIA shall be submitted to the County for review prior to approval. Such impact statement shall include but not be limited to the following:
 - 1. Land use compatibility.
 - 2. Hydrology.
 - 3. Transportation.
 - 4. Social and economic impact.
 - 5. Geological investigations (to include test borings at ten (10) acre intervals to determine subsurface conditions).
 - 6. Historic, archaeological, and cultural resources.
 - 7. Floodplains.
 - 8. Air quality.
 - 9. Impact on farmlands.
 - 10. Utilities.
 - 11. Noise, odors, vibrations, electromagnetic fields, glare, and smoke.
 - 12. Aesthetic and visual impacts.
 - 13. Endangered species.
 - 14. Effect on property values.
- d. Plans for the closure, reclamation, and future use of the entire site when the filling has been completed or active use as ceased shall be submitted and approved by the Board of Commissioners. The closing, site reclamation and reuse plan must also be approved by the Georgia Department of Natural Resources and comply with all rules and regulations of the Georgia Department of Natural Resources, Environmental Protection Division including but not limited to Section 391-3-4-.11. Cost of review of closure and future use plan shall be borne by the applicant.
- e. Applicant must submit a market study identifying the sources and quantities of the waste stream to be handled, expected life of the facility, lifetime-projections of the waste stream generation, comparative cost of operations and fee schedules with similar operations, letters of commitment or contracts from potential clients are required. Cost of review of market study shall be borne by the applicant.
- f. Applicant must prepare and submit a soil erosion control plan.

351 (f) Inert waste landfills.

- (1) A development permit may be issued in any zoning district for filling of a specific natural land depression with earth, provided that:
 - a. Such fill shall not include garbage or trash, materials subject to decomposition such as tree stumps, dry waste building materials, or any materials that contain internal voids such as concrete block.

- b. Such facilities shall be allowed only in areas incapable of development without landfill operations.
- (2) Inert landfills intended for the disposal of materials not subject to decomposition are allowed in any zoning district subject to the following:
 - a. Special Use approval is granted by the Board of Commissioners.
 - b. Such facility shall not qualify as a subtitle D or construction-demolition materials landfill.
 - c. Such fill shall not include garbage or trash, or materials subject to decomposition such as tree stumps.

351 (g) Bury pits.

- (1) The disposal by burial of dry waste building materials on a lot or within a development that is generated while a structure is under construction is prohibited. Such waste shall be removed from the property prior to issuance of a Certificate of Occupancy for the structure.
- (2) The disposal of domestic garbage or trash and the disposal of commercial and industrial waste products shall only be allowed in a sanitary landfill or as otherwise permitted or required by the County Health Department and in compliance with all applicable state and federal laws.

351 (h) Sewage treatment plants.

Sewage treatment plants must comply with the following requirements:

- (1) The design and operation of this facility shall be approved by the Douglasville-Douglas County Water and Sewer Authority and by the Georgia Department of Natural Resources.
- (2) Any building or structure comprising the facility shall be set back not less than one hundred feet from any property line.
- (3) A zoning buffer at least 25 feet wide meeting the standards of this Code shall be along the side and rear property lines.

351 (i) Hazardous waste treatment and disposal facilities.

Biomedical waste disposal facilities and hazardous or toxic waste incinerators or transfer stations are subject to the following minimum requirements:

- (1) Prohibitions.
 - a. The land or water based disposal of hazardous or toxic wastes within Douglas County is strictly prohibited.
 - b. Toxic or hazardous wastes may not be transported into Douglas County for the purpose of land- or water-based disposal.
 - c. No hazardous, toxic, or biomedical wastes generated outside of Douglas County shall be permitted to be disposed of within Douglas County.
 - d. High, medium/transuranic, or low level radioactive waste materials are not permitted in Douglas County.
- (2) Regulations.

- a. All necessary state and federal permits including the requirements of the Georgia Department of Natural Resources, Environmental Protection Division including but not limited to Section 391-3-11-.11.
 - b. Compliance with all applicable state and federal laws regulating hazardous and toxic wastes including O.C.G.A. Sections 12-8-60 through 12-8-82 and comply with all rules and regulations of the Georgia Department of Natural Resources, Environmental Protection Division including but not limited to Section 391-3-11-.01.
- (3) Site requirements.
- a. Minimum site to be 100 acres.
 - b. Transfer stations shall not be located closer than 1,500 feet from any residentially zoned land, or school or church property line. All other uses listed above shall not be located closer than 3,000 feet from any residential dwelling, school, or church.
 - c. Facility shall not be located within the Dog River, Bear Creek, or Sweetwater Creek Drainage Basins.
 - d. Facility shall not be located with 1,500 feet of any wetlands, groundwater recharge area, or flood plain.
 - e. The entrance or entrances shall be directly off a state or federal highway or a major or minor county thoroughfare as shown on the land use and thoroughfare plan and truck traffic routes and entrances to the facility shall be approved by the county engineer. The drive from the public street to the scale house shall be paved with asphaltic or Portland cement concrete.
 - f. A minimum of a 200 foot wide zoning buffer meeting the standards of this Code shall be provided adjacent to all exterior property lines.
 - g. Site cannot have slopes of 10 percent or greater
- (4) Operations.
- a. All incinerators and transfer station operations shall be carried on within an enclosed building, with no outside storage of any materials or biomedical waste except for vehicles used for the operation.
 - b. Comprehensive groundwater, gas, and air monitoring shall be required in accordance with approved engineering standards. All liquid effluent resulting from these operations shall be collected and transferred to a suitable site for disposal. System development and monitoring plan must also be approved by the Douglas County Water and Sewer Authority; cost of review of monitoring plan shall be borne by the applicant.
 - c. Cleaning of vehicles and containers shall be performed so that runoff shall not enter the sanitary sewer system nor shall it runoff into adjoining properties.
 - d. All facilities shall have a Georgia State EPD certified operator in attendance at all times when the fill is in use, and this fill must be barricaded when closed to the public.
 - e. Background verification will be required of all applicants including but not limited to a listing of prior projects and references. Cost of review of background verification shall be borne by the applicant.

- f. Appropriate insurance and performance bonding shall be required as well as contractual liability agreements with waste generators shall be required throughout the life of the operation and for the duration of closure liability.
 - g. The licensee shall permit at any time during business hours an inspection of the premises by officials of Douglas County or their designees.
- (5) Approval.
- a. Spill containment plan to be approved by appropriate county staff and comply with O.C.G.A. Sections 12-8-60 through 12-8-82 inclusive and comply with all rules and regulations of the Georgia Department of Natural Resources, Environmental Protection Division including but not limited to Sections 391-3-11 inclusive, 391-3-4-.11, and 391-3-4-.15.
 - b. All operations, whether they be transfer stations or incinerators must be sited, constructed, and operated in accordance with county, state, and federal guidelines. Seven copies of a detailed to-scale site plan must be submitted to the county for review. Such a site plan must contain the following:
 - 1. Existing land use and zoning.
 - 2. Existing infrastructure/utilities.
 - 3. Existing soil conditions.
 - 4. Existing geological formations.
 - 5. Topographical features.
 - 6. Existing vegetation.
 - 7. Transportation including ingress and egress.
 - 8. Existing water courses and features.
 - 9. Existing flood plains and wetlands.
 - 10. Proposed improvements to the property in detail and to scale; include phasing plan if necessary.
 - 11. Proposed removal of vegetation.
 - 12. Proposed ingress and egress points.
 - 13. Proposed land excavation and disturbance.
 - c. An environmental impact analysis (EIA) shall be prepared by the applicant to gauge the extent of negative impacts from these uses on the natural and man-made environment. The EIA shall be submitted to the County for review prior to approval. Such impact statement shall include but not be limited to the following:
 - 1. Land use compatibility .
 - 2. Hydrology.
 - 3. Transportation.
 - 4. Social and economic impact.

5. Geological investigations (to include test borings at 10-acre intervals to determine subsurface conditions).
 6. Historic, archaeological, and cultural resources.
 7. Floodplains.
 8. Air quality.
 9. Impact on farmlands.
 10. Utilities.
 11. Noise, odors, vibrations, electromagnetic fields, glare, and smoke.
 12. Aesthetic and visual impacts.
 13. Endangered species.
 14. Effect on property values.
- d. Plans for the closure, reclamation, and future use of the entire site when the filling has been completed or active use has ceased shall be submitted and approved by the Board of Commissioners. The closing, site reclamation and reuse plan must also be approved by the Georgia Department of Natural Resources. Cost of review of closure and future use plan shall be borne by the applicant.
 - e. Applicant must submit a proforma describing the financial feasibility of the project and the applicants ability to finance project. Cost of review of proforma shall be borne by the applicant.
 - f. Applicant must submit a market study identifying the sources and quantities of the waste stream to be handled, expected life of the facility, lifetime projections of the waste stream generation, comparative cost of operations and fee schedules with similar operations, letters of commitment or contracts from potential clients are required. Cost of review of market study shall be borne by the applicant.
 - g. Applicant must prepare and submit a traffic plan identifying the hauling routes and roadway improvements proposed. All facilities shall, be accessed by a major arterial with suitable turn and acceleration lanes, traffic control devices, and stacking lanes. Access and interior roadways shall be an all weather surface maintained in good working condition. Cost of review of traffic plan shall be borne by the applicant. Local streets and streets in recorded subdivisions shall not be used as part of any truck traffic route giving access to the facility. The entrance or entrances shall be directly off a state or federal highway or a major or minor county thoroughfare as shown on the land use and thoroughfare plan. and truck traffic routes and entrances to the facility shall be approved by the county engineer.
 - h. Applicant must prepare and submit a soil erosion control plan.

Sec. 352 – Facilities for Computer Infrastructure Providers, Data Processing, Web Hosting, and Related Services

Section 352(a) Additional Information Required

Notwithstanding the provisions of this section, all facilities subject to this section will also be required to submit additional information, per Article 12, Section 1206, at the request of the Director of Development Services.

Section 352(b) Required Application Materials

All facilities subject to the provisions of this section shall be required to submit the following information in addition to other minimum requirements of this code, with any application for a zoning action, special use permit, variance, land disturbance permit, or building permit.

1. A phasing plan, with defined timelines, for the full build-out of the project.
2. A phasing plan, with defined timelines, of the availability and installation of all required utilities for the overall project.
3. A master site plan showing all required subdivision and recombination of parcels as a part of an overall development project.

Section 352(c) Distance requirements

1. Facilities subject to this section shall not be located on any parcel that shares a common property line with land zoned for residential use or used for residential purposes.
2. All facilities must maintain a 100' undisturbed buffer if located within a distance of 200' from any land zoned for residential use or used for residential purposes. The distance shall be measured from the nearest property line of the building or facility used to support computer infrastructure, data processing, web hosting or related services.
 - a. The Director of Development Services may allow for a reduction in the undisturbed buffer if it can be demonstrated that that the building can be adequately integrated into the site through a combination of location, design materials, colors, textures, screening and landscaping.

Sec. 353 – Build-to-Rent Communities

Build-to-Rent Communities include For Rent Communities as defined herein. For Rent Communities are distinguished from For Sale Communities, as defined herein. In all developments of Build-to-Rent Communities, the following provisions must be met.

(1) **Definition of Terms.**

For Rent means constructed for the express purpose and intent of offering to the general public for lease and not intended for sale.

For Rent Community means a residential subdivision or development with more than ten (10) percent of the dwellings therein occupied, or intended to be occupied by tenants rather than owners.

For Sale means constructed for the express purpose and intent of offering to the general public for purchase.

For Sale Community means a residential subdivision or development with no more than ten (10) percent of the dwellings therein occupied, or intended to be occupied by tenants, rather than owners.

- (2) **Special Use Permit Requirements.** A special use permit shall be required according to Article 2, Table 2.2 of this Code.
- (3) **Requirement for Individual Plat.** All single-family detached homes are required to be on separate platted lots in For Rent Communities.
- (4) **Management Company Required.** A management company shall manage any Residential For Rent Community based from a staffed, on-site office with standard business hours of at least 9:00 a.m. to 5:00 p.m. Monday through Friday.
- (5) **Amenities Required.** All For Rent Communities must comply with the requirements for community amenities as outlined in Article 5, Section 504 of this code.
- (6) **Residential Design Standards.**
- a. All single family detached homes in For Rent Communities must meet the minimum residential design standards in Article 3, Section 307 of this Code.
 - b. Each unit within a For Rent Community must have individual connections to utilities with individual service accounts, including, but not limited to electricity, water/ sewer, telephone, natural gas, and services for solid waste/ recycling.

Sec. 354 - Reserved.

Sec. 355 - Reserved.

Sec. 356 - Designated uses not allowed.

The following specific uses are not allowed in any zoning district in Douglas County:

- (1) Mobile home (pre 1976).
- (2) Leather and hide tanning and finishing.
- (3) Sawmills and wood preservation establishments.
- (4) Paper manufacturing other than finished stationery products.
- (5) Petroleum and coal products manufacturing other than asphalt plants.
- (6) Chemical manufacturing, except pharmaceutical and medicine manufacturing.

Sec. 357 - Noxious manufacturing or industrial activities not allowed.

357 (a) Prohibited noxious or hazardous products.

A manufacturing or industrial activity that produces any of the following as products or by-products of the manufacturing process is prohibited:

- (1) Caustic or corrosive acids.
- (2) Chlorine or other noxious gasses.
- (3) Explosives.
- (4) Fertilizer or glue.
- (5) Products involving hair or fur.

357 (b) Prohibited noxious or hazardous processes.

A manufacturing or industrial use that involves any of the following is prohibited:

- (1) Land or water based disposal of hazardous or toxic wastes.
- (2) Petroleum refining.
- (3) Processing of sauerkraut, vinegar or yeast.
- (4) Rendering or refining of fats and oils.
- (5) Tanning or finishing of leather or other hides, except taxidermy.
- (6) Wood preservation.

Article 4, Lot and Building Standards

This Article sets out the standards that control the size of lots, the placement of buildings and structures on a lot, and the bulk and intensity of development on a lot.

Division I	Agricultural and Residential Districts
Division II	Commercial and Mixed-Use Districts
Division III	Industrial Districts
Division IV	Overlay Districts
Division V	Supplemental Development Standards

Article 4, Division I - Agricultural and Residential Districts

Sec. 4.01 General Provisions

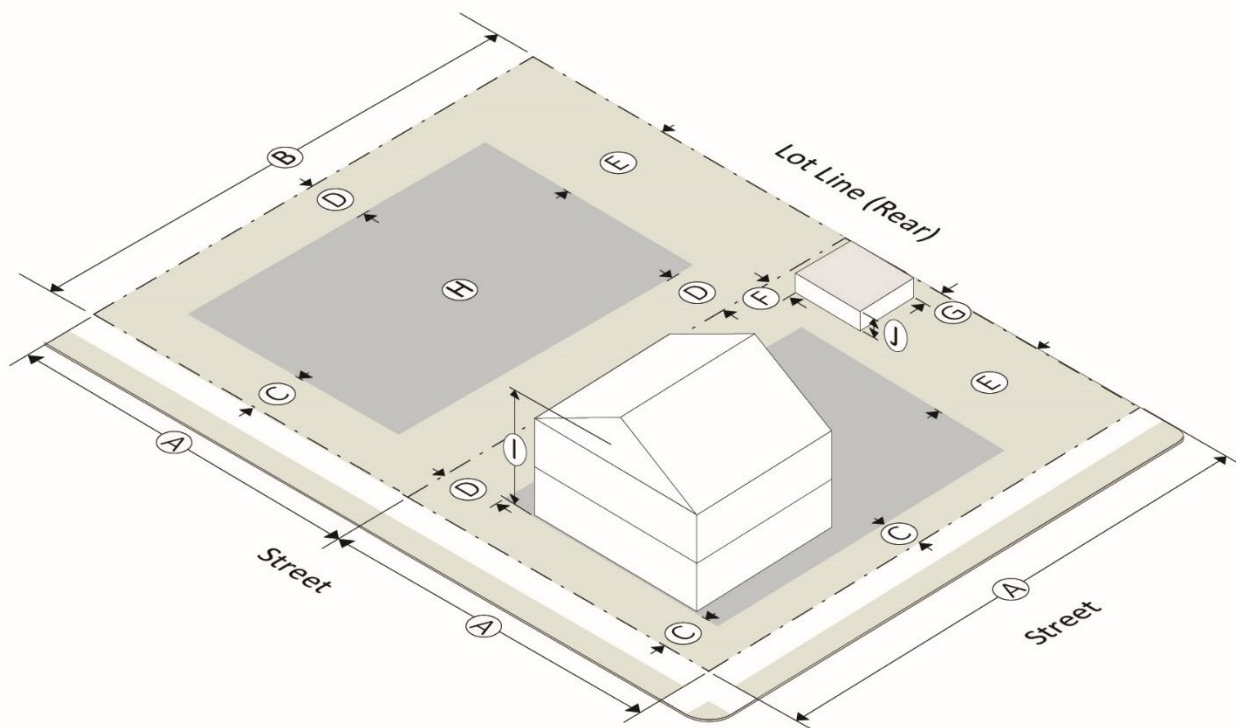
The intent of the Residential Districts is to protect established residential neighborhoods as well as promote well designed and properly located future residential developments.

The district provisions discourage any use that would substantially interfere with the residential nature of the districts. Compatible park, open space, utility and civic uses are permitted in Residential Districts as identified in Article 2, Uses, Use Regulations and Restrictions.

Sec. 4.02 Interpretation

The following graphics depict the interpretation of lot development standards. The official definitions for these terms can be found in the Article 15, Interpretations and Definitions.

Ⓐ Lot Width	Ⓕ Accessory Side Yard Setback
Ⓑ Lot Depth (Interior or Through Lot Only)	Ⓖ Accessory Rear Yard Setback
Ⓒ Principal Building Front Yard Setback	Ⓗ Buildable Area
Ⓓ Principal Building Side Yard Setback	Ⓘ Principal Building Maximum Height
Ⓔ Principal Building Rear Yard Setback	⓵ Accessory Building Maximum Height



Sec. 4.03 AG, Agricultural District.

A. Purpose

The AG Rural Agricultural District is established to protect rural areas of Douglas County in which agriculture, farm operations, conservation lands and timber stands on parcels of 5 acres or more are the established land use pattern, and to provide an environment which encourages residents to continue to live and practice agricultural operations without adverse impact arising from more dense development.

B. Lot Development Standards

Table 4.03-1

Lot Dimensions	
Minimum Lot Area	5 Acres
Minimum Lot Width	150' at building setback line on sewer or septic
Minimum Lot Frontage on ROW	50' is the standard unless a lot is approved as a Minor Exempt Subdivision 35' if fronting on a cul-de-sac
Maximum Density	0.2 dwelling units/acre on sewer or septic
Minimum Setbacks	
Principal Building	
Front	100' from Major Thoroughfare or 35 from a Minor Street'
Side	15'
Rear	60'
Accessory Building	
From Principal Structure	10'
Front	Not-Permitted unless 100' from the street right-of-way
Side	5' if less than 200 sf
Rear	Same as principal if greater than 200 sf
Maximum Height	
Principal	2.5 stories or 35'
Accessory	20'
Minimum Floor Area	
Single Family Detached	1,800 sf
Minimum Dimension	
Single Family Detached	16' in width
Maximum Impervious Surface Coverage	
	Within the Dog River Primary Basin 18%, and Dog River Secondary Basin 25%, within the Bear Creek Basin 25%, within all other Basins no restrictions

C. Supplemental Regulations

1. Principle and Accessory use regulations shall be as established in Article 2, Use of Land and Structures and Article 3, Restrictions on Particular Uses.

2. *Traffic Study Required.* A traffic study shall be required by the developer to determine the impact of the proposed development on the existing roadway system if the number of dwelling units exceeds 50 dwelling units (See Article 15 Traffic Study definition for required components).

D. Cross References for Article 3

The references below are to sections of this Code that contain dimensional requirements specific to this zoning district.

1. Cross reference Article 3, Section 302 for separation between agricultural and residential uses
2. Cross reference Article 3, Section 313 for Standards for Accessory Buildings, Uses and Structures
3. Cross reference Article 3, Section 319 for Animals
4. Cross reference Article 3, Section 335 for Horse and Ride Stables
5. Cross reference Article 3, Section 337 for Manufactured Home Lots or Subdivisions

E. Cross References for Article 4, Division V

The references below are to sections of the code that contain design requirements that apply to this zoning district.

1. Cross reference Article 4, Division V, Section 4.28 for Minimum Lot Frontage requirements in general; Section 4.28; 4.28(b) for Minimum Lot Frontage for large lots; Section 4.28(c) for Exceptions to minimum lot frontage requirements; and Section 4.28(d) for Street Frontage requirements.
2. Cross reference Article 4, Division V, Section 4.29 (a-d) for Residential Density and Lot Area requirements.
3. Cross reference Article 4, Division V, Section 4.31 (a-b) for Minimum Lot Size requirements for properties with septic tanks.
4. Cross reference Article 4, Division V, Section 4.32 (a-b) for Minimum Lot Width requirements.
5. Cross reference Article 4, Division V, Section 4.33 (a-b) for Minimum setback requirements for principle buildings.
6. Cross reference Article 4, Division V, Section 4.34 for Minimum setback requirements for accessory buildings.
7. Cross reference Article 4, Division V, Section 4.35 (a-b) for Minimum Floor Area per dwelling unit requirements.
8. Cross reference Article 4, Division V, Section 4.36 (a-b) for Maximum Building and Structure Height requirements.
9. Cross reference Article 4, Division V, Section 4.37 (a-e) for Solar Energy Equipment requirements.
10. Cross reference the Douglas County Standard Design Details Supplemental Appendix for additional information on design standards in the Rural Agricultural (AG) District.

Sec. 4.04 R-A Residential-Agricultural District

A. Purpose

The R-A Residential-Agricultural District is established to protect and promote a suitable environment for rural or “large lot suburban” family life, agriculture including the raising of livestock and poultry, and the development of natural resources and other uses requiring extensive areas of land. This District is required to protect the future development of land in accordance with the Comprehensive Plan of the county as amended.

B. Lot Development Standards

Table 4.04-1

Lot Dimensions	
Minimum Lot Area	1 acre on sewer or septic
Minimum Lot Width	150’ at building setback line on sewer or septic
Minimum Lot Frontage on ROW	50’ is the standard unless a lot is approved as a Minor Exempt Subdivision 35’ if fronting on a cul-de-sac
Maximum Density	.85 Dwelling Units per acre on sewer or septic
Minimum Setbacks	
Principal Building	
Front	100’ from Major Thoroughfare or 35’ from a Minor Street”
Side	15’
Rear	60’
Accessory Building	
From Principal Structure	
Front	Not-Permitted unless 100’ from the street right-of-way
Side	5’ if less than 200 sf
Rear	Same as principal if greater than 200 sf
Maximum Height	
Principal	2.5 stories or 35’
Accessory	20’
Minimum Floor Area	
Single Family Detached	1,800 sf
Minimum Dimension	
Single Family Detached	16’ in width
Maximum Impervious Surface Coverage	
	Within the Dog River Primary Basin 18%, and Dog River Secondary Basin 25%, within the Bear Creek Basin 25%, within all other Basins no restrictions

C. Supplemental Regulations

1. Principle and Accessory use regulations shall be as established in Article 2, Use of Land and Structures and Article 3, Restrictions on Particular Uses.

2. *Traffic Study Required.* A traffic study shall be required by the developer to determine the impact of the proposed development on the existing roadway system if the number of dwelling units exceeds 50 dwelling units (See Article 15 Traffic Study definition for required components).

D. Cross References for Article 3

The references below are to sections of this Code that contain dimensional requirements specific to this zoning district.

1. Cross reference Article 3, Section 302 for separation between agricultural and residential uses
2. Cross reference Article 3, Section 313 for Standards for Accessory Buildings, Uses and Structures
3. Cross reference Article 3, Section 319 for Animals
4. Cross reference Article 3, Section 335 for Horse and Ride Stables
5. Cross reference Article 3, Section 337 for Manufactured Home Lots or Subdivisions

E. Cross References for Article 4, Division V

The references below are to sections of the code that contain design requirements that apply to this zoning district.

1. Cross reference Article 4, Division V, Section 4.28 for Minimum Lot Frontage requirements in general; Section 4.28(b) for Minimum Lot Frontage for large lots; Section 4.28(c) for Exceptions to minimum lot frontage requirements; and Section 4.28(d) for Street Frontage requirements.
2. Cross reference Article 4, Division V, Section 4.29 (a-d) for Residential Density and Lot Area requirements.
3. Cross reference Article 4, Division V, Section 4.31 (a-b) for Minimum Lot Size requirements for properties with septic tanks.
4. Cross reference Article 4, Division V, Section 4.32 (a-b) for Minimum Lot Width requirements.
5. Cross reference Article 4, Division V, Section 4.33 (a-b) for Minimum setback requirements for principle buildings.
6. Cross reference Article 4, Division V, Section 4.34 for Minimum setback requirements for accessory buildings.
7. Cross reference Article 4, Division V, Section 4.35 (a-b) for Minimum Floor Area per dwelling unit requirements.
8. Cross reference Article 4, Division V, Section 4.36 (a-b) for Maximum Building and Structure Height requirements.
9. Cross reference Article 4, Division V, Section 4.37 (a-e) for Solar Energy Equipment requirements.
10. Cross reference the Douglas County Standard Design Details Supplemental Appendix for additional information on design standards in the Residential Agricultural (RA) District.

Sec. 4.05 R-LD Low Density Single-Family Residential District.

A. Purpose

The R-LD Single-Family Residential District is established to protect and promote a suitable environment for family life, to discourage any use which would generate other than normal residential area traffic on minor streets and to protect the orderly future development of land in accordance with comprehensive development plans for the county.

B. Lot Development Standards

Table 4.05-1

Lot Dimensions	
Minimum Lot Area	33,000 sq. ft. on septic; 15,000 sq. ft. on central sewer
Minimum Lot Width	80 feet on central sewer; 100 feet on septic
Minimum Lot Frontage	50' is the standard unless a lot is approved as a Minor Exempt Subdivision 35' if fronting on a cul-de-sac
Maximum Density	1.63 dwelling units/acre on septic; 2.29 du/acre on central sewer
Minimum Setbacks	
Principal Building	
Front	100' from Major Thoroughfare; 35 from Minor Street'
Side	15'
Rear	30'
Accessory Building	
From Principal Structure	
Front	Not-Permitted unless 100' from the street right-of-way
Side	5' if less than 200 sf
Rear	Same as principal if greater than 200 sf
Maximum Height	
Principal	35'
Accessory	20'
Minimum Floor Area	
Single Family Detached	1,800 sf
Maximum Lot Coverage	
	40%
Maximum Building Separation	
Maximum Impervious Surface Coverage	
	Within the Dog River Primary Basin 18%, and Dog River Secondary Basin 25%, within the Bear Creek Basin 25%, within all other Basins no restrictions

C. Supplemental Regulations

3. Principle and Accessory use regulations shall be as established in Article 2, Use of Land and Structures and Article 3, Restrictions on Particular Uses.
4. *Traffic Study Required.* A traffic study shall be required by the developer to determine the impact of the proposed development on the existing roadway system if the number of dwelling units exceeds 50 dwelling units (See Article 15 Traffic Study definition for required components).

D. Cross References for Article 3

The references below are to sections of this Code that contain dimensional requirements specific to this zoning district.

1. Cross reference Article 3, Section 302 for separation between agricultural and residential uses
2. Cross reference Article 3, Section 313 for Standards for Accessory Buildings, Uses and Structures
3. Cross reference Article 3, Section 319 for Animals
4. Cross reference Article 3, Section 335 for Horse and Ride Stables

E. Cross References for Article 4, Division V

The references below are to sections of the code that contain design requirements that apply to this zoning district.

1. Cross reference Article 4, Division V, Section 4.28 for Minimum Lot Frontage requirements in general; Section 4.28(b) for Minimum Lot Frontage for large lots; Section 4.28(c) for Exceptions to minimum lot frontage requirements; and Section 4.28(d) for Street Frontage requirements.
2. Cross reference Article 4, Division V, Section 4.29 (a-d) for Residential Density and Lot Area requirements.
3. Cross reference Article 4, Division V, Section 4.31 (a-b) for Minimum Lot Size requirements for properties with septic tanks.
4. Cross reference Article 4, Division V, Section 4.32 (a-b) for Minimum Lot Width requirements.
5. Cross reference Article 4, Division V, Section 4.33 (a-b) for Minimum setback requirements for principle buildings.
6. Cross reference Article 4, Division V, Section 4.34 for Minimum setback requirements for accessory buildings.
7. Cross reference Article 4, Division V, Section 4.35 (a-b) for Minimum Floor Area per dwelling unit requirements.
8. Cross reference Article 4, Division V, Section 4.36 (a-b) for Maximum Building and Structure Height requirements.
9. Cross reference Article 4, Division V, Section 4.37 (a-e) for Solar Energy Equipment requirements.
10. Cross reference the Douglas County Standard Design Details Supplemental Appendix for additional information on design standards in the Residential Low Density (R-LD) District.

Sec. 4.06 R-MD Medium Density Single-Family Residential District

A. Purpose

The R-MD Medium Density Single-Family Residential District is established to protect and promote a suitable environment for family life, to discourage any use which would generate other than normal residential area traffic on minor streets and to protect the future development of land in accordance with comprehensive development plans for the county.

B. Lot Development Standards

Table 4.06-1

Lot Dimensions	
Minimum Lot Area per dwelling unit	On Sewer: 10,000 sf single family or 10,000 sf per unit for duplex On Septic: 33,000 sf single family or 21,780 sf per unit for duplex
Minimum Lot Width	70' single family on sewer 100' on septic 100' duplex
Minimum Lot Frontage	50' 35' if fronting on a cul-de-sac
Maximum Density	On Sewer 3.23 DU/acre; On Septic 1.63 DU/Acre
Minimum Setbacks	
Principal Building	
Front yard	100' from major arterial; 35' from minor street
Side yard	15'
Rear yard	30'
Between Structures (Duplex)	0' allowed between attached units
Between Buildings (Duplex)	20' feet of separation is required between buildings
Accessory Building	
From Principal Structure	10'
Front	Not Permitted
Side	5' if less than 200 sf
Rear	15' if greater than 200 sf
Maximum Height	
Principal	35'
Accessory	Two stories or 26'
Minimum Floor Area	
Single Family Detached	1,800 sf per dwelling unit
Efficiency or one-bedroom – Duplex unit	750 sf
Two-bedroom – Duplex unit	1,050 sf
Three or more-bedroom – Duplex unit	1,500 sf
Maximum Lot Coverage	
40%	
Maximum Building Separation	

Maximum Impervious Surface Coverage	Within the Dog River Primary Basin 18%, and Dog River Secondary Basin 25%, within the Bear Creek Basin 25%, within all other Basins no restrictions

C. Supplemental Regulations

1. Principle and Accessory use regulations shall be as established in Article 2, Use of Land and Structures and Article 3, Restrictions on Particular Uses.
2. *Density Bonus*-Developers who apply the performance standards listed below to multi-family and townhome-condominium residential projects that are connected to central sewer facilities are allowed up to a 15% density bonus. Utilizing these standards and receiving this density bonus must be approved prior to any project commencement, and any alteration to those standards may result in revocation of the density bonus. To achieve the full density bonus, each item below will be credited toward 10% of the total number of units allowed under the bonus. To achieve 100% of the density bonus, all ten standards must be satisfied.
 - a. Provision at least one bicycle indoor, protected bicycle parking space per 3 dwelling units;
 - b. Provision of at least one electric vehicle charging station per 50 parking spaces;
 - c. Provision of community accessible meeting spaces for tenant use. Meeting spaces shall have internet and phone capacity;
 - d. Provision of a fenced community garden with access to water and a storage area for tools and supplies. The community garden shall be a permanent fixture and identified on all site plans and shall be in addition to other required greenspace;
 - e. Provision of a fully fenced and secure Dog Park for the specific use of resident's pets.
 - f. Accessible units meeting Americans Disability Act (ADA) certification in the amount of 25% of total units proposed;
 - g. Transit-oriented amenities providing access to community transit systems;
 - h. Construction of structures using LEED, Enterprise Green Communities, EarthCraft, and GreenPoint Rated green building certification programs;
 - i. Installation of Energy Star rated appliances at the time of purchase or occupancy; and
 - j. Installation of supplemental Solar Photovoltaic Power generation capacity in the minimum amount of 1.2kW per dwelling unit for a minimum of 50% of units proposed.
3. *Traffic Study Required*. A traffic study shall be required by the developer to determine the impact of the proposed development on the existing roadway system if the number of dwelling units exceeds 50 dwelling units (See Article 15 Traffic Study definition for required components).

D. Cross References for Article 3

The references below are to sections of this Code that contain dimensional requirements specific to this zoning district.

1. Cross reference Article 3, Section 313 for Standards for Accessory Buildings, Uses and Structures

E. Cross References for Article 4, Division V

1. Cross reference Article 4, Division V, Section 4.28 for Minimum Lot Frontage requirements in general; Section 4.28(b) for Minimum Lot Frontage for large lots; Section 4.28(c) for Exceptions to minimum lot frontage requirements; and Section 4.28(d) for Street Frontage requirements.
2. Cross reference Article 4, Division V, Section 4.29 (a-d) for Residential Density and Lot Area requirements.
3. Cross reference Article 4, Division V, Section 4.31 (a-b) for Minimum Lot Size requirements for properties with septic tanks.

4. Cross reference Article 4, Division V, Section 4.32 (a-b) for Minimum Lot Width requirements.
5. Cross reference Article 4, Division V, Section 4.33 (a-b) for Minimum setback requirements for principle buildings.
6. Cross reference Article 4, Division V, Section 4.34 for Minimum setback requirements for accessory buildings.
7. Cross reference Article 4, Division V, Section 4.35 (a-b) for Minimum Floor Area per dwelling unit requirements.
8. Cross reference Article 4, Division V, Section 4.36 (a-b) for Maximum Building and Structure Height requirements.
9. Cross reference Article 4, Division V, Section 4.37 (a-e) for Solar Energy Equipment requirements.
10. Cross reference the Douglas County Standard Design Details Supplemental Appendix for additional information on design standards in the Residential Medium Density (R-MD) District.

Sec. 4.07 R-HD Residential – High Density Residential District

A. Purpose

The R-HD Residential High Density District is established to protect and promote a suitable environment for family life, to discourage any use which would generate other than normal residential area traffic on minor or collector streets, to meet the demands of two, three, four and multi-family residences, townhomes and condominiums and to protect the orderly future development of land in accordance with comprehensive development plans for the county. The intent of this district is to provide standards for higher density dwellings which will:

- (1) Be located primarily in areas near or adjacent to low-density or medium density residential use areas;
- (2) Be located near such services as retail shopping and major thoroughfares and collector streets;
- (3) Be located to provide transition between single-family use areas and higher density dwelling areas and/or commercial areas;
- (4) Encourage the provision of usable open space and recreation areas and a desirable living environment;

B. Lot Development Standards

Table 4.07-1

Lot Dimensions					
Minimum initial tract site size is 3 acres		Triplex/ Quadplex (unit fee simple with lot)	Townhouse (unit fee simple with lot)	Condominiums (unit without lot)	Multi-family (units are rental)
LOT					
Lot size, minimum area per dwelling unit		5445 SF	1000 SF	N/A	N/A
Lot width, minimum		50 FT	20 FT	N/A	
Lot frontage, minimum		50 FT	20 FT	N/A	50 FT
DENSITY					
Dwelling units per acre on sewer		8	8	8	8
Dwelling units per acre on septic		2	Not Allowed	Not Allowed	Not allowed
YARD [Principal Building]					
Front setback, major thoroughfare, minimum		50 FT	50 FT	50FT	50 FT
Front setback, minor street, minimum		25FT	25 FT	25FT	25 FT
Side setback, minimum between units/from property line		0/10 FT	0/10 FT	0/10 FT	0/10 FT
Rear setback, minimum between units/from property line		20 FT	20 FT	20	20 FT
Required Minimum Private Usable Open Space/balcony/patio/yard for each Dwelling Unit Provided integral or Contiguous to each unit			10% of unit size	10% of unit size	
Required Minimum Open Space for the Development		20% of			20% of

	total acreage			total acreage
BUILDING [Principal & Accessory Buildings & Structures]				
Building height, max	45 FT	45 FT	3 floors or 50'	3 floors or 50'
Building height, min		2 stories		
Building floor area, one-bedroom unit, min	560 SF	-		-
Building floor area, two-bedroom unit, min	650 SF	-		-
Building floor area, three-bedroom unit or more, min	1050 SF	-		-
Building floor area, townhouse Condominium, min	-	1300 SF	1300 SF	-
Multi-Family Floor Area Minimums				
Building floor area, efficiency unit, min	-	-		560 SF
Building floor area, one-bedroom unit, min	-	-		650 SF
Building floor area, two-bedroom unit, min	-	-		900 SF
Building floor area, three-bedroom unit or more, min	-	-		1100 SF
Maximum Impervious Surface Coverage		Within the Dog River Primary Basin 18%, and Dog River Secondary Basin 25%, within the Bear Creek Basin 25%, within all other Basins no restrictions		

G. Supplemental Regulations

1. Principle and Accessory use regulations shall be as established in Article 2, Use of Land and Structures and Article 3, Restrictions on Particular Uses.
2. **Density Bonus**-Developers who apply the high-performance standards listed below to multi-family and townhome-condominium residential projects are allowed up to a 25% density bonus. Utilizing these standards and receiving this density bonus must be approved prior to any project commencement, and any alteration to those standards may result in revocation of the density bonus. To achieve the full density bonus, each item below will be credited toward 10% of the total number of units allowed under the bonus. To achieve 100% of the density bonus, all ten standards must be satisfied.
 - a. Provision at least one bicycle indoor, protected bicycle parking space per 3 dwelling units.
 - b. Provision of at least one electric vehicle charging station per 50 parking spaces.
 - c. Provision of community accessible meeting spaces for tenant use. Meeting spaces shall have internet and phone capacity.
 - d. Provision of a fenced community garden with access to water and a storage area for tools and supplies. The community garden shall be a permanent fixture and identified on all site plans and shall be in addition to other required greenspace.
 - e. Provision of a fully fenced and secure Dog Park for the specific use of resident's pets.
 - f. Accessible units meeting Americans Disability Act (ADA) certification in the amount of 25% of total units proposed.
 - g. Transit-oriented amenities providing access to community transit systems.

- h. Construction of structures using LEED, Enterprise Green Communities, EarthCraft, and GreenPoint Rated green building certification programs.
 - i. Installation of Energy Star rated appliances at the time of purchase or occupancy; and
 - j. Installation of roof-mounted supplemental Solar Photovoltaic Power generation capacity in the amount of 1.2kW per dwelling unit for a minimum of 50% of units proposed.
3. *Traffic Study Required.* A traffic study shall be required by the developer to determine the impact of the proposed development on the existing roadway system if the number of dwelling units exceeds 50 dwelling units (See Article 15 Traffic Study definition for required components).

D. Cross References for Article 3

The references below are to sections of this Code that contain dimensional requirements specific to this zoning district.

- 1. Cross reference Article 3, Section 313 for Standards for Accessory Buildings, Uses and Structures

E. Cross References for Article 4, Division V

- 1. Cross reference Article 4, Division V, Section 4.28 for Minimum Lot Frontage requirements in general; Section 4.28(b) for Minimum Lot Frontage for large lots; Section 4.28(c) for Exceptions to minimum lot frontage requirements; and Section 4.28(d) for Street Frontage requirements.
- 2. Cross reference Article 4, Division V, Section 4.29 (a-d) for Residential Density and Lot Area requirements.
- 3. Cross reference Article 4, Division V, Section 4.31 (a-b) for Minimum Lot Size requirements for properties with septic tanks.
- 4. Cross reference Article 4, Division V, Section 4.32 (a-b) for Minimum Lot Width requirements.
- 5. Cross reference Article 4, Division V, Section 4.33 (a-b) for Minimum setback requirements for principle buildings.
- 6. Cross reference Article 4, Division V, Section 4.34 for Minimum setback requirements for accessory buildings.
- 7. Cross reference Article 4, Division V, Section 4.35(b) for Minimum Floor Area per dwelling unit requirements.
- 8. Cross reference Article 4, Division V, Section 4.36 (a-b) for Maximum Building and Structure Height requirements.
- 9. Cross reference Article 4, Division V, Section 4.37 (a-e) for Solar Energy Equipment requirements.
- 10. Cross reference the Douglas County Standard Design Details Supplemental Appendix for additional information on design standards in the Residential High Density (R-HD) District.

Sec. 4.08 R-MH Manufactured Home Residential District

A. Purpose

The R-MH Manufactured Home Residential District is established to protect and promote a suitable environment for family life, to meet the need and demands for the development of manufactured home residential areas and to protect the future development of land in accordance with comprehensive development plans for the county.

B. Lot Development Standards

Table 4.08-1

Site Area	
Manufactured Home Park initial site requires 20 acres	
Manufactured Home Subdivision initial site requires 50 acres	
Lot Dimensions	
Minimum Lot Area	15,000 sf 4,500 sf per unit for MH Park allowed on sewer only
Minimum Lot Width	n/a
Minimum Lot Frontage	50'
Maximum Density MH Subdivision	On Sewer 2.95 DU/acre; On Septic 1.63 DU/acre
Maximum Density MH Park	On Sewer 6 DU/acre; On Septic not allowed
Minimum Setbacks	
Principal Building	
Front	15'
Side	7.5' 5' if common shared yard is approved
Rear	30'
Accessory Building	
From Principal Structure	
Front	Not-Permitted
Side	5' if less than 200 sf
Rear	15' if greater than 200 sf
Maximum Height	
Principal	2.5 stories or 35'
Accessory	20'
Minimum Floor Area	
Site Built Single Family Detached	1,800 sf
Manufactured Home on an Individual Lot	1,300 sf
Manufactured Home in a Manufactured Home Park	900 sf
Impervious Surface Coverage Max	
	60%
Maximum Impervious Surface Coverage	
	Within the Dog River Primary Basin 18%, and Dog River Secondary Basin 25%, within the Bear Creek Basin 25%, within all other Basins no restrictions

C. Supplemental Regulations

1. Principle and Accessory use regulations shall be as established in Article 2, Use of Land and Structures and Article 3, Restrictions on Particular Uses.
2. Manufactured Home Parks shall comply with Section 336 of this Development Code.
3. Manufactured Home Subdivision shall comply with Section 337 of this Development Code.

D. Cross References for Article 3

The references below are to sections of this Code that contain dimensional requirements specific to this zoning district.

1. Cross reference Article 3, Section 313 for Standards for Accessory Buildings, Uses and Structures

E. Cross References for Article 4, Division V

1. Cross reference Article 4, Division V, Section 4.28 for Minimum Lot Frontage requirements in general; Section 4.28(b) for Minimum Lot Frontage for large lots.
2. Cross reference Article 4, Division V, Section 4.29 (a-d) for Residential Density and Lot Area requirements.
3. Cross reference Article 4, Division V, Section 4.31 (a-b) for Minimum Lot Size requirements for properties with septic tanks.
4. Cross reference Article 4, Division V, Section 4.32 (a-b) for Minimum Lot Width requirements.
5. Cross reference Article 4, Division V, Section 4.33 (a-b) for Minimum setback requirements for principle buildings.
6. Cross reference Article 4, Division V, Section 4.34 for Minimum setback requirements for accessory buildings.
7. Cross reference Article 4, Division V, Section 4.35(b) for Minimum Floor Area per dwelling unit requirements and 4.35(b) for Maximum Occupancy Provisions.
8. Cross reference Article 4, Division V, Section 4.36 (a-b) for Maximum Building and Structure Height requirements.
9. Cross reference Article 4, Division V, Section 4.37 (a-e) for Solar Energy Equipment requirements.
10. Cross reference the Douglas County Standard Design Details Supplemental Appendix for additional information on design standards in the Residential Manufactured Home (R-MH) District.

Sec. 4.09 PRD Planned Residential Development

A. Purpose

The PRD district is established to protect and promote a suitable environment for family life and to encourage flexibility in meeting the needs of families. This District facilitates a mix of residential opportunities from single-family detached through attached single and multi-family dwellings in accordance with the land use plan for the County. These plans may supersede the regulations included in Articles 1-15 of the Unified Development Code (UDC) where indicated by these development plans. Otherwise, the standards of this Code will govern. The intent of this district is to provide standards for higher density dwellings at the edges of existing municipal boundaries where public water and sewer infrastructure exist and arterial corridor frontage is available providing for higher density developments which will:

- (1) To provide flexibility, unity, and diversity in land planning and development, resulting in convenient and harmonious groupings of uses, structures and common facilities;
- (2) Be located near such services as retail shopping and on major thoroughfares and collector streets.
- (3) Be located to provide transition between single-family use areas and these higher density dwelling areas and/or commercial areas.
- (4) Encourage the provision of usable open space and recreation areas and a desirable living environment and benefit from higher quality units using the available bonus options.

B. Lot Development Standards

Table 4.09-1

Development Area	
Minimum Development Area	2-acre min. development site
Minimum Development Frontage	50' for development site
Minimum Perimeter Buffer	A 50' perimeter buffer is required around non-street facing property lines
Minimum Lot Area	
Single-family detached	5,000 sq. ft.
Single-family attached townhome fee simple with lot	1,000 sq. ft.
Single-family attached condominium	n/a
Multi-Family	n/a
Density	
Within 2500' of Municipal Boundary	10 dwelling units per acre
Beyond 2500' of a Municipal Boundary	8 dwelling units per acre
All developments in this District must provide easement agreements to connect to central sewer and water in order to apply for this zone district.	
Minimum Setbacks unless otherwise approved as a part of an Overall Development Plan	
Single Family Detached Dwelling - Principal Building	
Front	35' from Major; 25' from Minor

Side	7.5' for detached structures
Rear	20'
Accessory Building to a Single Family Detached Dwelling	
From Principal Structure	10'
Front	Not-Permitted
Side	5' if less than 200 sf
Rear	15' if greater than 200 sf
Attached Dwelling Units	
Shall be as described in Section 4.07 for R-HD zoning districts unless otherwise approved as a part of an Overall Development Plan	
Maximum Height	
Principle – Multi-family or Condominium	3 floors or 50'
Principal - Attached	45'
Principal - Detached	35'
Accessory	24'
Minimum Floor Areas in Attached Multi-Family Residential Units – Townhomes/ Condominiums	
Efficiency unit	560 sq. ft.
One-bedroom unit	650 sq. ft.
Two-bedroom unit	975 sq. ft.
Three or more-bedroom unit	1,275 sq. ft.
Minimum Floor Areas in Single-Family Detached Units	
One bedroom unit	900 sq. ft.
Two bedroom unit	1,100 sq. ft.
Three or more bedroom unit	1,300 sq. ft.
Maximum Building Separation	
Multi-Family Developments	20' between one story buildings 30' between two-story buildings and one- or two-story buildings
Maximum Impervious Surface Coverage	Within the Dog River Primary Basin 18%, and Dog River Secondary Basin 25%, within the Bear Creek Basin 25%

C. Supplemental Regulations

1. Principle and Accessory use regulations shall be as established in Article 2, Use of Land and Structures and Article 3, Restrictions on Particular Uses.
2. *Traffic Study Required.* A traffic study shall be required by the developer to determine the impact of the proposed development on the existing roadway system if the number of dwelling units exceeds 50 dwelling units (See Article 15 Traffic Study definition for required components).
3. *Density Bonus*-Developers who apply the high-performance standards listed below to residential projects are allowed up to a 50% density bonus. Utilizing these standards and receiving this density bonus must be approved prior to any project commencement, and any alteration to those standards may result in revocation of the density bonus. To achieve the full density bonus, each item below will be credited toward 10% of the total number of units allowed under the bonus. To achieve 100% of the density bonus, all ten standards must be satisfied.

- a) Provision at least one bicycle indoor, protected bicycle parking space per 3 dwelling units.
- b) Provision of at least one electric vehicle charging station per 50 parking spaces.
- c) Provision of community accessible meeting spaces for tenant use. Meeting spaces shall have internet and phone capacity.
- d) Provision of a fenced community garden with access to water and a storage area for tools and supplies. The community garden shall be a permanent fixture and identified on all site plans and shall be in addition to other required greenspace.
- e) Provision of a fully fenced and secure Dog Park for the specific use of resident's pets.
- f) Accessible units meeting Americans Disability Act (ADA) certification in the amount of 25% of total units proposed.
- g) Transit-oriented amenities providing access to community transit systems.
- h) Construction of structures using LEED, Enterprise Green Communities, EarthCraft, and GreenPoint Rated green building certification programs.
- i) Installation of Energy Star rated appliances at the time of purchase or occupancy; and
- j) Installation of roof-mounted supplemental Solar Photovoltaic Power generation capacity in the amount of 1.2kW per dwelling unit for a minimum of 50% of units proposed.

D. Minimum Standards.

- (1) No PRD district may be established without the concurrent approval of the Overall Development Plan (ODP) and Overall Development Standards (ODS) by the Board of Commissioners, in accordance with the provisions herein.
- (2) PRD districts shall have a minimum contiguous area of two acres.
- (3) PRD districts shall
 - a. Shall provide connection to central sewer and water
 - b. Include at least two types of housing types in combination, of which one type will be single family detached houses; or
 - c. If the project includes all single family detached homes, it shall include a mix of residential lot sizes and residential square footages. The layout of the project, including the mix of lot sizes, shall be proportional to the size of the project, site conditions and other factors as determined by the Director.
- (4) Open space shall be required as follows, which shall include a community green, park, or other community focal point:
 - a) 10% for single-family detached
 - b) 20% for single family attached
 - c) 25% for multi-family
 - d) 15% for a mix of housing types.
- (5) The boundaries of each PRD, upon approval, must be shown on the Zoning Map, shall be in conformance with the adopted Comprehensive Plan, and the approved Overall Development Plan.

- (6) The ODP shall define the boundary of the PRD, however, all development standards shall be regulated by the development standards as applicable and expressed in Articles 1-15 of the UDC.

E. Overall Development Plan (ODP) and Overall Development Standards (ODS)

Development of the PRD is also governed by the ODP and ODS which includes a series of plans and design related documents regulating the development of the property. At a minimum, the Plan and Standards shall include the following:

- a. Analysis of Existing Conditions. An analysis of existing site conditions including a boundary survey and topographic map of the site at a minimum 1 inch = 40 feet scale shall include information on all existing manmade and natural features, utilities, all streams and easements, and features to be retained, moved or altered. The existing shape and dimensions of the existing lot to be built upon including the size, measurement and location of any existing buildings or structures on the lot shall be included.
- b. Overall Master Plan. A masterplan at a minimum 1 inch = 40 feet scale outlining all proposed regulations and calculations which shall include, but not be limited to, information on all proposed improvements including proposed building footprints, doors, densities, parking ratios, open space, height, sidewalks, yards, utilities, internal circulation and parking, landscaping, grading, lighting, drainage, amenities, and similar details including their respective measurements.
- c. Phasing Plan. Should a PRD be expected to require five years or longer to complete, a phasing plan shall be provided by the applicant that indicates the timeframe for construction and development of different aspects of the PRD.
- d. Regulating Plan. A regulating plan shall be provided with street types and open space for all property within the PRD boundary. The regulating plan shall be keyed to a set of standards developed based on location. This plan should consider how all modes of transportation will be accommodated including pedestrians, bicycles, cars, transit, rideshare, etc.
- e. Architectural Pattern Book. An Architectural Pattern Book demonstrating approved building materials, features, exterior finishes, windows, doors, colors, and other items affecting exterior appearance, such as signs, mechanical systems, fencing, etc. The pattern book shall include renderings of proposed buildings.
- f. Any additional information deemed necessary by the Development Services Department to determine compliance with ordinance standards.

F. Cross References for Article 4, Division V

1. Cross reference Article 4, Division V, Section 4.28 for Minimum Lot Frontage requirements in general; Section 4.28(b) for Minimum Lot Frontage for large lots; Section 4.28(c) for Exceptions to minimum lot frontage requirements; and Section 4.28(d) for Street Frontage requirements.
2. Cross reference Article 4, Division V, Section 4.29 (a-d) for Residential Density and Lot Area requirements.
3. Cross reference Article 4, Division V, Section 4.31 (a-b) for Minimum Lot Size requirements for properties with septic tanks.
4. Cross reference Article 4, Division V, Section 4.32 (a-b) for Minimum Lot Width requirements.
5. Cross reference Article 4, Division V, Section 4.33 (a-b) for Minimum setback requirements for principle buildings.

6. Cross reference Article 4, Division V, Section 4.34 for Minimum setback requirements for accessory buildings.
7. Cross reference Article 4, Division V, Section 4.35(b) for Minimum Floor Area per dwelling unit requirements.
8. Cross reference Article 4, Division V, Section 4.36 (a-b) for Maximum Building and Structure Height requirements.
9. Cross reference Article 4, Division V, Section 4.37 (a-e) for Solar Energy Equipment requirements.
10. Cross reference the Douglas County Standard Design Details Supplemental Appendix for additional information on design standards in the Planned Residential (PRD) District.

Article 4, Division II - Commercial and Mixed-Use Districts

Sec. 4.10 General Provisions

- A. The intent of the Commercial and Mixed-Use Districts is to protect established commercial and mixed-use areas as well as promote well designed and properly located future developments that create minimal impact on adjacent, incompatible districts.
- B. The district provisions discourage any use that would substantially interfere with the retail, service or office function of the districts. Compatible park, open space, utility and civic uses as well as integrated residential dwelling units are permitted in Commercial and Mixed-Use Districts as identified in Article 2, Uses, Use Regulations and Restrictions.

Sec. 4.11 Interpretation

The following graphics depict the interpretation of lot development standards. The official definitions for these terms can be found in the Article 15, Definitions.

Ⓐ Lot Width	Ⓕ Accessory Side Yard Setback
Ⓑ Lot Depth (Interior or Through Lot Only)	Ⓖ Accessory Rear Yard Setback
Ⓒ Principal Building Front Yard Setback	Ⓗ Buildable Area
Ⓓ Principal Building Side Yard Setback	Ⓘ Principal Building Maximum Height
Ⓔ Principal Building Rear Yard Setback	⓵ Accessory Building Maximum Height

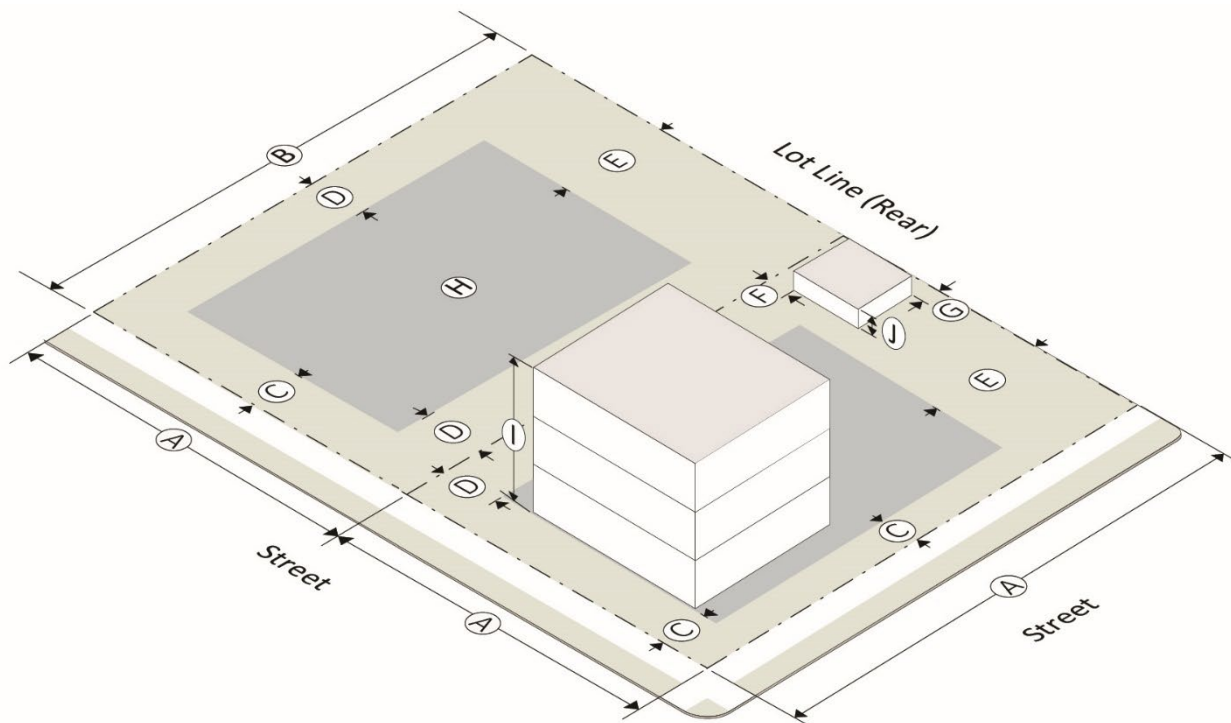


Figure 4.11-1

Sec. 4.12 PUD Planned Unit Development.

A. Purpose

The PUD district is intended to permit the planning and development of parcels of land that are suitable in location and character for the uses proposed as unified and integrated developments in accordance with detailed development plans. These plans may supersede the regulations included in Articles 1-15 of the Unified Development Code (UDC) where indicated by these development plans. The PUD district is intended to provide a means of accomplishing the following specific objectives:

- (1) To provide for development concepts not otherwise allowed within non-PUD zoning districts;
- (2) To provide flexibility, unity, and diversity in land planning and development, resulting in convenient and harmonious groupings of uses, structures and common facilities;
- (3) To accommodate varied design and layout of housing and other buildings;
- (4) To allow appropriate relationships of open spaces to intended uses and structures;
- (5) To encourage innovations in quality residential, commercial, and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space;
- (6) To lessen the burden of traffic on streets and highways; and
- (7) To provide a procedure that can relate the type, design, and layout of residential, commercial, and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics.

B. Lot Development Standards

Table 4.12-1

Lot Dimensions	
Minimum Lot Area	5-acres minimum INITIAL development site
Minimum Lot Width	
Minimum Lot Frontage	
Maximum Density	
Minimum Setbacks	
Principal Building	
Front	
Side	
Rear	
Accessory Building	
From Principal Structure	
Front	
Side	
Rear	
Maximum Height	
Principal	
Accessory	
Minimum Floor Area	
Impervious Surface Coverage	

Minimum Standards.

- (1) No PUD district may be established without the concurrent approval of the Overall Development Standards (ODS) and an Overall Development Plan (ODP) by the Board of Commissioners, in accordance with the provisions herein.
- (2) PUD districts shall have a minimum contiguous area of five acres.
- (3) PUD districts shall provide a mix of a minimum of two of the following use categories, whether fully private or in partnership with public entities, and/or must contain two or more residential type uses and densities (units per acre), which shall be accommodated in each building in vertical mixed-use development configuration or horizontally throughout the areas within the proposed development boundary:
 - a. Residential single-family detached
 - b. Residential attached single-family or multifamily units;
 - c. Commercial offices;
 - d. Retail;
 - e. Hotel/Lodging;
 - f. Light Industrial, warehousing, and/or distribution uses;
 - g. Civic/Convention/Sports uses, or
 - h. Agricultural Uses
- (4) Twenty percent open space, which shall include a town center, community green, park, or other community focal point.
- (5) The boundaries of each PUD, upon approval, must be shown on the Zoning Map, shall be in conformance with the adopted Comprehensive Plan, and the approved Overall Development Plan.
- (6) Any development standards not expressly defined by the ODS shall be regulated by the development standards as applicable and expressed in Articles 1-15 of the UDC.

C. Supplemental Regulations

Application of Regulations.

- (1) Overall Development Standards (ODS). Development of the PUD is governed by the ODS that designates the standards of zoning and development for the property. These standards will replace the development standards in the UDC and should include, at a minimum, the following:
 - a. Permitted and prohibited uses;
 - b. Maximum FAR and/or density of units;
 - c. Maximum impervious surface;
 - d. Minimum open space;
 - e. Minimum and Maximum building height;
 - f. Minimum lot size;
 - g. Required Yard setbacks;
 - h. Maximum block length;
 - i. Parking requirements; and
 - j. Building massing.
- (2) Overall Development Plan (ODP) - Development of the PUD is also governed by the ODP which includes a series of plans and design related documents regulating the development of the property. At a minimum, the ODP shall include the following:

a. **Analysis of Existing Conditions.** An analysis of existing site conditions including a boundary survey and topographic map of the site at a minimum 1 inch = 40 feet scale shall include information on all existing manmade and natural features, utilities, all streams and easements, and features to be retained, moved or altered. The existing shape and dimensions of the existing lot to be built upon including the size, measurement and location of any existing buildings or structures on the lot shall be included.

b. **Overall Master Plan.** A masterplan at a minimum 1 inch = 40 feet scale outlining all proposed regulations and calculations which shall include, but not be limited to, information on all proposed improvements including proposed building footprints, doors, densities, parking ratios, open space, height, sidewalks, yards, under and over-head utilities, internal circulation and parking, landscaping, grading, lighting, drainage, amenities, and similar details including their respective measurements.

c. **Phasing Plan.** Should a PUD be expected to require five years or longer to complete, a phasing plan shall be provided by the applicant that indicates the timeframe for construction and development of different aspects of the PUD.

d. **Regulating Plan.** A regulating plan shall be provided with street types and open space for all property within the PUD boundary. The regulating plan shall be keyed to a set of standards developed based on location. This plan should consider how all modes of transportation will be accommodated including pedestrians, bicycles, cars, transit, rideshare, etc. Detailed cross sections shall also be included in this plan or as an attachment to this plan.

e. **Streetscape and Hardscape Manual.** A streetscape and hardscape manual shall be created that includes specifications for the following: sidewalk clear zones, landscape zones, supplemental zones including details regarding lighting fixtures, on-street parking, street furniture, landscape materials and other amenities. A streetscape map shall accompany this manual that identifies appropriate streetscape and hardscape designs for all streets, plazas, open space, locations for public art etc. within the plan.

f. **Architectural Pattern Book.** An Architectural Pattern Book demonstrating approved building materials, features, exterior finishes, windows, doors, colors, and other items affecting exterior appearance, such as signs, mechanical systems, fencing, etc. The pattern book shall include renderings of proposed buildings.

(3) To the extent that the approved ODS and ODP for a PUD contradict the development regulations and this UDO, the approved ODS and ODP for the PUD district governs.

(4) Due to the mixed-use nature of PUD proposals, design must be determined based upon the context and guidance of the comprehensive plan and specific character area plan area in which the PUD is located, as applicable.

(5) Any additional information deemed necessary by the Development Services Department to determine compliance with ordinance standards.

D. PUD Perimeter Compatibility

Land uses developed at the perimeter of the site shall be developed in a manner that is compatible with adjacent off-site land uses or zoning, or a 100-foot wide buffer shall be provided between the uses in the PUD and the perimeter of the site. Compatibility shall be judged on the basis of similar land uses, average lot sizes, setbacks, and other development standards.

E. Traffic Study.

Traffic Study Required. A traffic study shall be required by the developer to determine the impact of the proposed development on the existing roadway system if the number of dwelling units exceeds 50 dwelling units or the non-residential components exceed 100,000 square feet of gross floor area (See Article 15 Traffic Study definition for required components).

F. Cross References for Article 3

The reference below are to sections of this code that contain requirements specific to this zoning district.

1. Section 307 Standards for Single Family and Two Family Swellings
2. Section 308 standards for Multi-family dwellings including townhouses
3. Section 310 Standards for office, commercial and industrial uses
4. Section 313 Accessory buildings, uses and structures
5. Section 319 Animals

G. Cross References for Article 4, Division V

Unless otherwise specified in the Overall Development Standards, the follow sections shall be applicable to any Planned Unit Development.

1. Cross reference Article 4, Division V Section 4.28 for Minimum Lot Frontage requirements in general; Section 4.28(a) for lot frontage requirements for townhouses; Section 4.28(b) for Minimum Lot Frontage for large lots; and Section 4.28(d) for Street Frontage requirements.
2. Cross reference Article 4, Division V, Section 4.29 (a-b) for Residential Density and Lot Area requirements.
3. Cross reference Article 4, Division V, Section 4.30 for Non-Residential Density and Lot Area Requirements.
4. Cross reference Article 4, Division V, Section 4.32 (a-b) for Minimum Lot Width requirements.
5. Cross reference Article 4, Division V, Section 4.33 (a-b) for Minimum setback requirements for principle buildings.
6. Cross reference Article 4, Division V, Section 4.34 for Minimum setback requirements for accessory buildings.
7. Cross reference Article 4, Division V, Section 4.35(b) for Maximum Occupancy requirements.
8. Cross reference Article 4, Division V, Section 4.36 (a-b) for Maximum Building and Structure Height requirements.
9. Cross reference Article 4, Division V, Section 4.37 (a-e) for Solar Energy Equipment requirements.
10. Cross reference the Douglas County Standard Design Details Supplemental Appendix for additional information on lot design in the Planned Unit Development (PUD) District.

Sec. 4.13 O-I Office-Institutional District

A. Purpose

The Office District is established to promote a denser office environment allowing low rise, mid-rise and high-rise office buildings and accessory retail uses. This zone is intended to be located in or adjacent to heavy concentrations of commercial or light industrial uses such as central business districts or nodes, interchange areas, or industrial or office parks. The District also functions as a transitional zone from commercial and light industrial uses to less intensive uses such as single-family residential and multi-family uses.

B. Lot Development Standards

Table 4.13-1

Lot Dimensions	
Minimum Lot Area	20,000 sf with sewer; 1 ac on septic
Minimum Lot Width	n/a
Minimum Lot Frontage	50'
Maximum Density	n/a
Minimum Setbacks	
<i>Principal Building</i>	
Front	50'
Side	15' if adjacent to non-residential district 30' if adjacent to residential district
Rear	15' if adjacent to non-residential district 30' if adjacent to residential district
<i>Accessory Building</i>	
From Principal Structure	0'
Front	Not-Permitted
Side	5' if less than 144 sf
Rear	15' if greater than 144 sf
Maximum Height	
Principal	50' plus one foot of height for each foot of setback distance over 50' to the closest property line of any residential district not to exceed 150' in height
Accessory	15'
Impervious Surface Coverage	
	As set by the watershed basin
Maximum Floor Area	
	With a special use permit – 1,000,000 sf Without a special use permit – 50,000 sf
Minimum Building Separation	
	20'

A. Supplemental Regulations

1. Principle and Accessory use regulations shall be as established in Article 2, Use of Land and Structures and Article 3, Restrictions on Particular Uses.

B. Cross Reference Article 3

The references below are to sections of this Code that contain references specific to this zoning district.

1. Cross reference Article 3, Section 310 Standards for Office, Commercial and Industrial Uses
2. Cross reference Article 3, Section 313 Accessory Buildings, Uses and Structures.

C. Cross Reference Article 4, Division V

1. Cross reference Article 4, Division V Section 4.28 for Minimum Lot Frontage requirements in general; Section 4.28(b) for Minimum Lot Frontage for large lots; and Section 4.28(d) for Street Frontage requirements.
2. Cross reference Article 4, Division V, Section 4.30 for Non-Residential Density and Lot Area Requirements.
3. Cross reference Article 4, Division V, Section 4.31 for Minimum Lot Size requirements for septic tanks.
4. Cross reference Article 4, Division V, Section 4.32 (a-b) for Minimum Lot Width requirements.
5. Cross reference Article 4, Division V, Section 4.33 (a-b) for Minimum setback requirements for principle buildings.
6. Cross reference Article 4, Division V, Section 4.34 for Minimum setback requirements for accessory buildings.
7. Cross reference Article 4, Division V, Section 4.36 (a-b) for Maximum Building and Structure Height requirements.
8. Cross reference Article 4, Division V, Section 4.37 (a-e) for Solar Energy Equipment requirements.
9. Cross reference the Douglas County Standard Design Details Supplemental Appendix for additional information on lot design in the Office Institutional (OI) District.

Sec. 4.14 CG - General Commercial District

A. Purpose

The C-G General Commercial District is established to protect and promote a suitable environment for those retail commercial uses that benefit from close proximity to each other. The District is intended to serve as the location of regional and sub-regional centers for retailing, finance, and professional and general office activities. Its primary purpose is to group their uses together in a compact area designed to accommodate pedestrian movement. General commercial areas are characterized by shopping centers containing department stores, big box retailers such as Home Depot and PetSmart, discount clubs and retail and service establishments serving a wide market area. Commercial uses commonly found in neighborhood and community commercial areas also are found in general commercial areas.

B. Lot Development Standards

Table 4.14-1

LOT DIMENSIONS	
Minimum Lot Area, Sewered	10000 SF
Minimum Lot Area, Non-Sewered	1 AC
Minimum Lot Width, Sewered	60 FT
Minimum Lot Width, Non-Sewered	60 FT
Minimum Lot Frontage	50 FT
Maximum Density	N/A
MINIMUM SETBACKS	
<i>Principal Building</i>	
Front setback, Major Thoroughfare	50 FT
Front setback, minor street, min	30 FT
Side setback, min	10 FT
Rear setback, min	10 FT
<i>Accessory Building (≤ 144 sf)</i>	
From Principal Building	N/A
Front	N/A
Side	5 FT
Rear	5 FT
<i>Accessory Building (≥ 144 sf)</i>	
From Principal Building	N/A
Front, Major Thoroughfare	50 FT
Front, Minor Thoroughfare	30 FT
Side	15 FT if adjacent to non-residential district 50 FT if adjacent to residential district
Rear	15 FT if adjacent to non-residential district 50 FT if adjacent to residential district
MAXIMUM HEIGHT	
Principal building on a major arterial and on a lot of one (1) acre or more	5 stories or 60 FT
Principal on any other thoroughfare	3 stories or 40 FT
Accessory	3 stories or 40 FT
Impervious Surface Coverage	As set by the watershed basin

Minimum Building Separation	20'
Maximum Floor Area	With a special use permit – 100,000 sf for a stand alone building With a special use permit – 1,000,000 for a planned center Without a special use permit – 50,000 sf

C. Supplemental Regulations

1. Principle and Accessory use regulations shall be as established in Article 2, Use of Land and Structures and Article 3, Restrictions on Particular Uses.
2. Properties over five contiguous acres in size may be required to provide additional landscaping and buffering and may also be required to ensure appropriate connectivity to surrounding streets and pedestrian walkway systems.

D. Cross Reference Article 3

The references below are to sections of this Code that contain references specific to this zoning district.

1. Cross reference Article 3, Section 310 Standards for Office, Commercial and Industrial Uses
2. Cross reference Article 3, Section 313 Accessory Buildings, Uses and Structures.

E. Cross Reference Article 4, Division V

1. Cross reference Article 4, Division V Section 4.28 for Minimum Lot Frontage requirements in general; Section 4.28(b) for Minimum Lot Frontage for large lots; and Section 4.28(d) for Street Frontage requirements.
2. Cross reference Article 4, Division V, Section 4.30 for Non-Residential Density and Lot Area Requirements.
3. Cross reference Article 4, Division V, Section 4.31 for Minimum Lot Size requirements for septic tanks.
4. Cross reference Article 4, Division V, Section 4.32 (a-b) for Minimum Lot Width requirements.
5. Cross reference Article 4, Division V, Section 4.33 (a-b) for Minimum setback requirements for principle buildings.
6. Cross reference Article 4, Division V, Section 4.34 for Minimum setback requirements for accessory buildings.
7. Cross reference Article 4, Division V, Section 4.36 (a-b) for Maximum Building and Structure Height requirements.
8. Cross reference Article 4, Division V, Section 4.37 (a-e) for Solar Energy Equipment requirements.
9. Cross reference the Douglas County Standard Design Details Supplemental Appendix for additional information on lot design in the General Commercial (CG) District.

Sec. 4.15 CH - Heavy Commercial District

A. Purpose

The C-H Heavy Commercial District is established to protect and promote a suitable environment for those commercial uses that benefit from direct access to major streets or are located on major streets and thoroughfares that are classified as major arterial roads or interstate highways. Such uses commonly which generate loud noises and require large areas for open storage or generate substantial motor vehicle traffic.

B. Lot Development Standards

Table 4.15-1

Lot Dimensions	
Minimum Lot Area	10,000 sq. feet on sewer, 2 acres on septic
Minimum Lot Width	None
Minimum Lot Frontage	50' required on a major thoroughfare
Maximum Density	Depending on an approved development plan if residential is incorporated
Minimum Setbacks	
<i>Principal Building</i>	
Front	50' from the major thoroughfare applies to all structures including service areas and access drives. Front setbacks to the internal road network are recommended to be 0'
Side	15' if adjacent to non-residential district at external lot line 50' if adjacent to residential district at external lot line Internal side yard setbacks are recommended to be 0'
Rear	15' if adjacent to non-residential district 50' if adjacent to residential district
<i>Accessory Building</i>	
From Principal Structure	0'
Front	Not Permitted
Side	5' if less than 144 sf
Rear	15' if greater than 144 sf
Maximum Height	
Principal building on a major arterial and on a lot of one (1) acre or more	5 stories or 60 feet
Principal on any other thoroughfare	3 stories or 40 FT
Accessory	15'
Impervious Surface Coverage	As set by the watershed basin
Minimum Building Separation	20'
Maximum Floor Area	With a special use permit – 100,000 sf for a stand alone building With a special use permit – 1,000,000 for a planned center Without a special use permit – 50,000 sf

C. Supplemental Regulations

1. Principle and Accessory use regulations shall be as established in Article 2, Use of Land and Structures and Article 3, Restrictions on Particular Uses.
2. Properties over five contiguous acres in size may be required to provide additional landscaping and buffering and may also be required to ensure appropriate connectivity to surrounding streets and pedestrian walkway systems.

D. Cross Reference Article 3

The references below are to sections of this Code that contain references specific to this zoning district.

1. Cross reference Article 3, Section 310 Standards for Office, Commercial and Industrial Uses
2. Cross reference Article 3, Section 313 Accessory Buildings, Uses and Structures.
3. Cross reference Article 3, section 331 for Gasoline Stations, Truck Stops, Heavy Truck Parking Facilities and convenience stores with fuel pumps

E. Cross Reference Article 4, Division V

1. Cross reference Article 4, Division V Section 4.28 for Minimum Lot Frontage requirements in general; Section 4.28(b) for Minimum Lot Frontage for large lots; and Section 4.28(d) for Street Frontage requirements.
2. Cross reference Article 4, Division V, Section 4.30 for Non-Residential Density and Lot Area Requirements.
3. Cross reference Article 4, Division V, Section 4.31 for Minimum Lot Size requirements for septic tanks.
4. Cross reference Article 4, Division V, Section 4.32 (a-b) for Minimum Lot Width requirements.
5. Cross reference Article 4, Division V, Section 4.33 (a-b) for Minimum setback requirements for principle buildings.
6. Cross reference Article 4, Division V, Section 4.34 for Minimum setback requirements for accessory buildings.
7. Cross reference Article 4, Division V, Section 4.36 (a-b) for Maximum Building and Structure Height requirements.
8. Cross reference Article 4, Division V, Section 4.37 (a-e) for Solar Energy Equipment requirements.
9. Cross reference the Douglas County Standard Design Details Supplemental Appendix for additional information on lot design in the Heavy Commercial (CH) District.

Sec. 4.16 PSP Public-Semi Public District

A. Purpose

The PSP Public-Semi Public district is established to provide a district for public, quasi-public and semi-public uses, including government buildings, schools and publicly owned parks and recreation facilities, in accordance with the comprehensive plan for the County.

B. Lot Development Standards

Table 4.16-1

Lot Dimensions	
Minimum Lot Area	n/a
Minimum Lot Width	n/a
Minimum Lot Frontage	n/a
Maximum Density	n/a
Minimum Setbacks	
Principal Building	
Front	50' on major road, 30' on minor
Side	10' 30' if adjacent to residential district
Rear	10' 30' if adjacent to residential district
Accessory Building	
From Principal Structure	5'
Front	Not Permitted
Side	5' if less than 144 sf
Rear	15' if greater than 144 sf
Maximum Height	
Principal	50' plus one foot of height for each foot of setback distance over 50' to the closest property line of any residential district not to exceed 150' in height
Accessory	15'
Impervious Surface Coverage	
As set by the watershed basin	

C. Supplemental Regulations

1. Principle and Accessory use regulations shall be as established in Article 2, Use of Land and Structures and Article 3, Restrictions on Particular Uses.

D. Cross Reference Article 4, Division V

1. Cross reference Article 4, Division V Section 4.28 for Minimum Lot Frontage requirements in general; Section 4.28(b) for Minimum Lot Frontage for large lots; and Section 4.28(d) for Street Frontage requirements.
2. Cross reference Article 4, Division V, Section 4.30 for Non-Residential Density and Lot Area Requirements.
3. Cross reference Article 4, Division V, Section 4.31 for Minimum Lot Size requirements for septic tanks.
4. Cross reference Article 4, Division V, Section 4.32 (a-b) for Minimum Lot Width requirements.
5. Cross reference Article 4, Division V, Section 4.33 (a-b) for Minimum setback requirements for principle buildings.

6. Cross reference Article 4, Division V, Section 4.34 for Minimum setback requirements for accessory buildings.
7. Cross reference Article 4, Division V, Section 4.36 (a-b) for Maximum Building and Structure Height requirements.
8. Cross reference Article 4, Division V, Section 4.37 (a-e) for Solar Energy Equipment requirements.
9. Cross reference the Douglas County Standard Design Details Supplemental Appendix for additional information on lot design in the Heavy Commercial (CH) District.

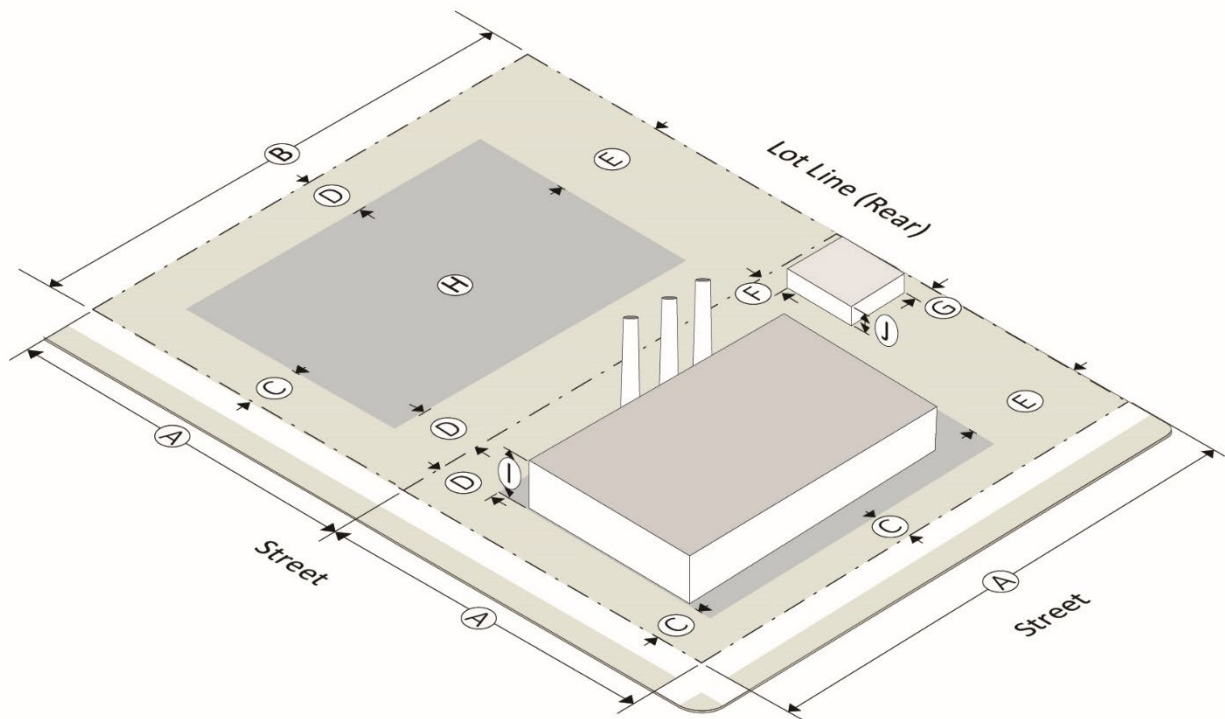
Article 4, Division III - - Industrial Districts**Sec. 4.17 General Provisions**

The intent of the Industrial Districts is to protect established industrial areas as well as promote well designed and properly located future developments that create minimal impact on adjacent, incompatible uses.

Sec. 4.18 Interpretation

The following graphics depict the interpretation of lot development standards. The official definitions for these terms can be found in the Article 15, Definitions.

Ⓐ Lot Width	Ⓕ Accessory Side Yard Setback
Ⓑ Lot Depth (Interior or Through Lot Only)	Ⓖ Accessory Rear Yard Setback
Ⓒ Principal Building Front Yard Setback	Ⓗ Buildable Area
Ⓓ Principal Building Side Yard Setback	Ⓘ Principal Building Maximum Height
Ⓔ Principal Building Rear Yard Setback	⓵ Accessory Building Maximum Height



Sec. 4.19 LI Light Industrial District and LI-R Light Industrial-Restricted**A. Purpose**

The IL light industrial district is established to protect and promote a suitable environment for light industrial purposes, including accessibility to major transportation facilities, availability of adequate utilities and other public services, and availability of large quantities of suitable land. Uses compatible with light industrial development are to be encouraged insofar as they are in accordance with the comprehensive plan for the city.

B. Lot Development Standards**Table 4.19-1**

Lot Dimensions	
Minimum Lot Area	1-acre site
Minimum Lot Width	None
Minimum Lot Frontage	50'
Maximum Density	n/a
Minimum Setbacks	
Principal Building	
Front	50'
Side	10' if adjacent to non-residential district 100' if adjacent to residential district
Rear	10' if adjacent to non-residential district 100' if adjacent to residential district
Accessory Building	
From Principal Structure	
Front	Not Permitted
Side	5' if less than 144 sf
Rear	15' if greater than 144 sf
Maximum Height	
Principal without special use permit	60'
Principal with special use permit	As set by the special use permit
Accessory without special use permit	40'
Accessory with Special Use Permit	As set by the special use permit
Impervious Surface Coverage	
	As set by the watershed basin
Maximum Floor Area	
	With a special use permit - 1,000,000 sf Without a special use permit – 50,000 sf

C. Supplemental Regulations

1. Principle and Accessory use regulations shall be as established in Article 2, Use of Land and Structures and Article 3, Restrictions on Particular Uses.

D. Cross Reference Article 3

The references below are to sections of this Code that contain references specific to this zoning district.

1. Cross reference Article 3, Section 310 Standards for Office, Commercial and Industrial Uses
2. Cross reference Article 3, Section 313 Accessory Buildings, Uses and Structures.
3. Cross reference Article 3, section 331 for Gasoline Stations, Truck Stops, Heavy Truck Parking Facilities and convenience stores with fuel pumps

E. Cross Reference Article 4, Division V

1. Cross reference Article 4, Division V Section 4.28 for Minimum Lot Frontage requirements in general; Section 4.28(b) for Minimum Lot Frontage for large lots; and Section 4.28(d) for Street Frontage requirements.
2. Cross reference Article 4, Division V, Section 4.30 for Non-Residential Density and Lot Area Requirements.
3. Cross reference Article 4, Division V, Section 4.31 for Minimum Lot Size requirements for septic tanks.
4. Cross reference Article 4, Division V, Section 4.32 (a-b) for Minimum Lot Width requirements.
5. Cross reference Article 4, Division V, Section 4.33 (a-b) for Minimum setback requirements for principle buildings.
6. Cross reference Article 4, Division V, Section 4.34 for Minimum setback requirements for accessory buildings.
7. Cross reference Article 4, Division V, Section 4.36 (a-b) for Maximum Building and Structure Height requirements.
8. Cross reference Article 4, Division V, Section 4.37 (a-e) for Solar Energy Equipment requirements.
9. Cross reference the Douglas County Standard Design Details Supplemental Appendix for additional information on lot design in the Light Industrial (LI) and Light Industrial Restricted (LI-R) District.

Sec. 4.20 HI Heavy Industrial District**A. Purpose**

The IH heavy industrial district is established to protect and promote a suitable environment for heavy industrial purposes, including accessibility to major transportation facilities, availability of adequate utilities and other public services and availability of large quantities of open land. Uses compatible with light and heavy industrial development are to be encouraged insofar as they are in accordance with the comprehensive plan for the city and are compatible with surrounding properties or the impact on surrounding properties can be sufficiently mitigated.

B. Lot Development Standards**Table 4.20-1**

Lot Dimensions	
Minimum Lot Area	Initial site 5 acres Internal development lots a minimum of 1-acre
Minimum Lot Width	None
Minimum Lot Frontage	50'
Maximum Density	n/a
Minimum Setbacks	
Principal Building	
Front	50'
Side	15' if adjacent to non-residential district 100' if adjacent to residential district
Rear	15' if adjacent to non-residential district 100' if adjacent to residential district
Accessory Building	
From Principal Structure	
Front	Not Permitted
Side	5' if less than 144 sf
Rear	15' if greater than 144 sf
Maximum Height	
Principal without special use permit	60'
Principal with special use permit	As set by the special use permit
Accessory without special use permit	40'
Accessory with Special Use Permit	As set by the special use permit
Impervious Surface Coverage	
	As set by the watershed basin
Maximum Floor Area	
	With a special use permit - 1,000,000 sf Without a special use permit – 50,000 sf

C. Supplemental Regulations

1. Principle and Accessory use regulations shall be as established in Article 2, Use of Land and Structures and Article 3, Restrictions on Particular Uses.

D. Cross Reference Article 3

The references below are to sections of this Code that contain references specific to this zoning district.

1. Cross reference Article 3, Section 310 Standards for Office, Commercial and Industrial Uses
2. Cross reference Article 3, Section 313 Accessory Buildings, Uses and Structures.
3. Cross reference Article 3, section 331 for Gasoline Stations, Truck Stops, Heavy Truck Parking Facilities and convenience stores with fuel pumps

E. Cross Reference Article 4, Division V

1. Cross reference Article 4, Division V Section 4.28 for Minimum Lot Frontage requirements in general; Section 4.28(b) for Minimum Lot Frontage for large lots; and Section 4.28(d) for Street Frontage requirements.
2. Cross reference Article 4, Division V, Section 4.30 for Non-Residential Density and Lot Area Requirements.
3. Cross reference Article 4, Division V, Section 4.31 for Minimum Lot Size requirements for septic tanks.
4. Cross reference Article 4, Division V, Section 4.32 (a-b) for Minimum Lot Width requirements.
5. Cross reference Article 4, Division V, Section 4.33 (a-b) for Minimum setback requirements for principle buildings.
6. Cross reference Article 4, Division V, Section 4.34 for Minimum setback requirements for accessory buildings.
7. Cross reference Article 4, Division V, Section 4.36 (a-b) for Maximum Building and Structure Height requirements.
8. Cross reference Article 4, Division V, Section 4.37 (a-e) for Solar Energy Equipment requirements.
9. Cross reference the Douglas County Standard Design Details Supplemental Appendix for additional information on lot design in the Heavy Industrial (HI) District.

Article 4, Division IV – Overlay Districts

Sec. 4.21 General Provisions

As the name implies, overlay districts “over-lay” applicable base zoning district classifications to alter some or all of the base zoning district regulations that apply to particular sites. Overlay zoning districts work to modify or supplement the regulations imposed by base zoning district when necessary to address special situations or promote specific county planning goals. Overlay zoning is intended to be used when the base zoning district applied to an area remains generally appropriate, but when an additional, modified or eliminated requirement could help implement the county’s planning goals or address an area-specific planning, design or land use regulation issue. Certain districts are established as overlay districts, meaning that the “base” (or underlying) zoning district remains in place but the overlay adds additional provisions that override specific provisions of the base zoning district. The purpose of each of the overlay districts established in this Development Code is presented in this Section. All applicable regulations of the underlying base zoning district and of this Development Code apply to property in an overlay district unless otherwise expressly stated in the overlay district regulations. When overlay district regulations conflict with regulations that otherwise apply in the underlying base zoning district or with regulations otherwise imposed by this Development Code, the more restrictive regulations govern.

Sec. 4.22 Reserved

Sec. 4.23 O-HC Highway Corridor Overlay

(1) Intent

The O-HC Highway Corridor Overlay district is intended to accommodate and promote high- quality, well-designed development that is in keeping with the existing and desired character of the county’s major highway corridor areas. The overlay is further intended to ensure consistency with the Douglas County comprehensive plan and with other adopted plans and policies of the county.

(2) Boundaries and Application

- a. The boundaries of the O-HC district are as shown on the county’s official zoning map.
- b. This Article shall apply to all non-residential development, all multi-family developments and residential subdivisions. Single-family detached dwellings constructed on a legal lot of record are exempt from the requirements of this Section 4.23.

(3) Uses

Uses are allowed in O-HC district in accordance with the regulations of Sec. 210.

(4) Transportation and Access

a. Driveways and Access

1. All driveways with direct access onto to state highways, federal highways, or arterial roads must be designed to allow only right-in/right-out turning movements.
2. The driveway access regulations of Sec. 607(d) apply to all land uses within the O- HC district.

b. Inter-parcel Access

The inter-parcel access regulations of Sec. 608 apply to all land uses within the O-HC district, except single-family residential.

c. Blocks

1. All development on parcels with an area of 3 acres or more must be organized into blocks with a maximum length of no more than 600 feet and a maximum perimeter of no more than 1,600 feet.
2. The resulting block systems must be used to organize internal site driveways and parking lots and provide access to abutting parcels. If the abutting parcels are undeveloped, stub-outs are required for future street connections.

(5) Streetscape

A streetscape zone with a minimum depth of 40 feet is required along highway and arterial road frontages. The depth of the streetscape zone is measured from the right of way. Required streetscape zones must include the following features:

a. Fence

A three-rail fence or approved enhanced landscape strip to provide screening is required within the streetscape zone. The fence must be located at least 20 feet from the right of way a distance as determined by the Director to ensure it is appropriate to the context of adjacent streetscape features and removed off of the right of way. The fence shall be white in color with brick supporting columns. Landscape screening must be approved by the County Arborist prior to installation.

b. Sidewalk

Sidewalks with a minimum width of 5 feet are required within the required streetscape zone and may be located within the right of way upon approval by the jurisdiction. Sidewalks may be located on either side of the fence to provide flexibility in continuation and continuity with existing sidewalk installations on adjoining property along the road frontage.

c. Street Trees and Landscaping

1. A double row of overstory trees must be provided within the required streetscape zone. Trees must be spaced no more than 40 feet on center.
2. Required overstory trees must have a minimum caliper size of 4 inches at time of planting and may be located on either side of the required sidewalk.
3. Should a project utilize an enhanced landscape screening in lieu of a three-rail fence, the landscape strip shall include the double-row of overstory trees identified above, as well as a minimum of 3 understory trees, 2 evergreen trees, and 18 shrubs per every 100 linear feet of landscape strip.
4. All landscaping must be located at a distance as determined by the Director to ensure it is removed off of the right of way.

d. Pedestrian Lighting

Pedestrian-scaled lighting must be placed every 40 feet on center along one side of the sidewalk within the streetscape zone.

(6) Building Siting

The setback regulations of the underlying zoning district apply in the O-HC district

(7) Building Design

a. Building Facades

The building façade regulations of Table 4.23-2 apply to street-facing building facades on principal buildings located on parcels with frontage on state highways, federal highways, or arterial roads

Table 4.23-2: Building Facades

Minimum Ground Story Facade Transparency (%)	
Front Street Façade (by building type/occupancy)	
Multi-unit Residential, Office or industrial	20
Retail, Entertainment, or Commercial Service	35
Side Street Facades (by building type/occupancy)	
Multi-unit Residential, Office or industrial	20
Retail, Entertainment, or Commercial Service	25
Minimum Upper-Story Facade Transparency	
Front Street Façade	15
Side street Façade	15
Maximum Upper-Story Blank Wall Width (feet)	20
Street-facing Building Entrances	
Front Street	Required
Side Street	Not Required
Maximum Distance Between Required Entrances (feet)	175
Building Material Coverage Street Face (%) See 4.23(7)e	
Traditional Masonry (Minimum)	80
Building Material Coverage Side/Rear Face (%)	
Traditional Masonry (Minimum)	30
Synthetic Stucco (Ground-Story Maximum)	60
Synthetic Stucco (Upper-Story Maximum)	75
Building Mass Variation (based on building width)	
50–200 Feet Building Width	Not Required
Over 200 Feet Building Width	Required
Façade Articulation (based on building width)	
50–200 Feet Building Width	Not Required
Over 200 Feet Building Width	Required
Roof Forms	
Allowed Types	Pitched, Flat, Parapet

b. Deviations from standards where allowed.

1. The Board of Commissioners may approve deviations from the standards contained in

this section for new construction in the Highway Corridor Overlay as a special use upon a finding that all of the following are met:

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

b. Building Materials

Building material regulations are intended to help ensure that a building's facade design reflects the county's character by incorporating traditional and locally available materials. Material coverage is calculated as the total street-facing facade area clad in the required or regulated material divided by the total street-facing facade area.

1. Traditional Masonry

Traditional Masonry building materials include stone and brick. The planning and zoning manager is authorized to approve substitutes for traditional masonry.

Examples of alternative materials that can be approved include:

- a) Wood;
- b) Traditional Stucco on lathe;
- c) Patterned pre-cast concrete;
- d) Detailed concrete;
- e) Cast stone;
- f) Prefabricated brick panels;
- g) Architectural concrete (textured or patterned); and
- h) Fiber cement siding

2. Synthetic Stucco

Synthetic Stucco includes External Insulation and Finish System (EIFS) and similar synthetic materials.

c. Building Mass Variation

1. Requirements for variations in building mass are intended to help lend visual interest and human scale to large, monotonous building facades through the use of design features that break a large building mass into different, clearly identifiable elements. Building mass variation requirements apply only to street-facing building facades that exceed 100 feet in length.

d. Facade Articulation

1. Façade articulation requirements are intended to help lend visual interest and a human-scale to otherwise flat and monotonous building facades through the use of design features that "break up" street-facing building facades into smaller visual components.

e. Roofs

All major components of all principal building roofs must meet the requirements for a permitted roof type. Descriptions of roof types are as follows:

f. Pitched Roof

Permitted pitched roof types include only hipped, gabled, and combination hip/gabled. Such roofs must have a minimum 4:12 pitch. Eaves with a minimum depth of 12 inches are required on all pitched roofs. Roofing materials are limited to the following:

1. Metal standing seam;
2. Tile, slate, or stone;
3. Wood shake shingles; or
4. Shingles with a slate, tile, or metal appearance.

(8) Signs

The sign regulations of Article 7 apply in the O-HC district except as expressly modified by the sign regulations of this subsection.

1. Design and Construction

- a) The base and all vertical supporting elements of ground signs must be constructed of brick, stone, or stucco materials to match or compliment the principal building on the site.
- b) Signs must have a uniform background, lettering style and color.

(9) Utilities

All utility lines must be placed underground, unless the requirement is waived by the County Engineer due to physical construction constraints.

All lighting for commercial development shall be designed to integrate with the overall development character.

- a) Lighting shall be architecturally integrated with the style, material and color of on-site structures.
- b) Lighting shall be unobtrusive and refrain from adverse impact of adjacent properties and public rights-of-way.
- c) Exposed neon and fluorescent lighting is not permitted except for open and closed signs.
- d) For drive-under canopies and pump islands, the luminaries shall be recessed into the canopy ceiling so that that bottom of the luminaries does not extend below the ceiling buffers and setbacks.

(10) Buffers

The intent of buffers is to provide a year-round visual screen such as evergreen trees between adjacent properties and the new development. All buffers and setbacks shall be as required by this ordinance. Any application for a design plan approval submitted to the Planning & Zoning Director or his/her designee shall include a tree survey and landscape plan, with buffers, prepared by a landscape architect.

Sec. 4.24 O-QGD Quality Growth Development Overlay.

A. The O-QGD Quality Growth Development Overlay District is established to promote high-quality development in areas of the county that are largely undeveloped but in the path of rapid, substantial residential, commercial, or industrial development that is anticipated will radically change the character of the lands within the District boundaries. This District is designed to encourage high-quality development by establishing restrictions and standards to protect the natural environment, promote optimum development, and so that investment values will be maximized and will not be endangered by unsightly, undesirable, or incompatible development on adjacent properties in the foreseeable future.

(1) Applicability

The O-QGD regulations of this section (Sec. 4.24) apply to all multi-family residential, commercial, office, office distribution or industrial uses within the Quality Growth Development overlay.

(2) Intent.

The primary goals of the O-QGD overlay district are to provide a positive climate for high-quality investment and development, to provide a sense of place and orientation, to provide an attractive and functional environment, to ensure a harmony of uses and development, and to provide a comfortable, secure, and harmonious developed environment.

(3) Site design requirements.

a. Landscaping.

1. Generally.

Any multi-family residential, commercial, office, office distribution, or industrial use within the O-QGD shall comply with the landscaping requirements of this section in addition to the applicable requirements and standards of Article 2, Article 8 and Article 9.

2. Landscaping requirements.

The location and detail of all required landscaping shall be depicted on the site landscaping plan (see the Procedures and Permits Article of this Development Code).

a) Minimum required landscaped area.

Each site shall have a minimum landscaped area of 25 percent. The calculated landscaped area may include tree islands within required parking areas.

b) Frontage landscape strip.

A minimum 25-foot wide landscape strip adjacent to the street right-of way shall be provided in such a way so as to achieve maximum screening effect, which may include installation at the road elevation or higher, based on the discretion of the Director.

Every 100 feet of linear landscape strip must include a minimum of 3 canopy trees, 3 understory trees, 2 evergreen trees, and 18 shrubs. Planting standards may be reduced up to 50% with the provision of a 5 feet tall earthen berm running the entire length of

the landscape strip.

c) Side and rear yard landscaping.

Unless otherwise required in Article 8 of the Unified Development Code, all required side and rear yards shall be landscaped in accordance with the requirements of this article.

d) Other landscape areas.

All land surfaces other than those covered by permitted buildings, structures, paving, or other required site elements shall be landscaped with well-maintained grass, flowers, shrubs, or other suitable plant materials.

e) Natural buffers.

Natural buffers shall be supplemented with native plantings when existing vegetation on the site does not provide a minimum of 80% opacity between the proposed use and the adjacent residential district. These plantings shall include a mixture of canopy trees (50% must be evergreen), understory trees, evergreen coniferous trees and shrubs. Canopy trees shall be no less than 3 inches in caliper and no less than 15 feet in height at the time of planting with a mature height of no less than 25 feet.

b. Screening.

1. Generally.

Any multi-family residential, commercial, office, office distribution, or industrial use within the O-QGD shall comply with the screening requirements of this section in addition to all other applicable requirements and standards of this Development Code.

2. Requirements for loading areas, service equipment, outdoor storage areas.

All loading areas, outdoor service equipment, and outdoor storage areas, including those for trucks, busses, automobiles stored more than 48 hours, or the storage of any other vehicles or equipment shall be screened from street or adjacent property view by an attractive solid masonry wall finished on the exterior side by the same material used for the façade of the building. Such wall shall be not less than 5 feet in height and no more than 8 feet in height. Specific height, as dictated by all applicable ordinance provisions, shall be determined during the site plan review process. If loading areas, service equipment or outdoor storage areas are not adjacent to residential zoning or visible from a public right-of-way, the Director may allow for reduction or elimination of these screening requirements.

3. Exceptions for loading areas, service equipment and outdoor storage areas.

- a) No screening is required to separate adjacent uses that are the same or similar.
- b) A natural or structural buffer may be substituted for up to 25 percent of the required screening.

4. Building landscaping and screening.

- a) If a building structure faces a public street or is directly adjacent to a residentially zoned property, and has less than 25% glazing or openings (doors, windows, and service entries) on the façade facing the public street or residentially zoned property, a landscape screen shall be

provided between the building structure and the residentially zoned lot in addition to any buffers required by Article 8 of this Development Code. Such screen must be a minimum of 15 feet in width and run the entire length of the subject building façade except where there are breaks for building access. Every 100 feet of linear building landscaping screen must include: 6 canopy trees (3 of which must be evergreen), 2 understory trees, 3 evergreen coniferous trees, and 18 shrubs. Canopy trees shall be no less than 3 inches in caliper and no less than 15 feet in height at the time of planting with a mature height of no less than 25 feet. Understory trees shall be deciduous or evergreen trees that typically grow to a mature height of less than 40 feet. The Director may allow for reduction or elimination of this requirement for building landscaping and screening if determined the requirement to be unfeasible based on specific conditions of the property.

c. Utility and service equipment.

1. All industry standard grade utilities shall be located underground. All entry fixtures and other service equipment shall be located in the side or rear yards outside of high use or high visibility areas. These fixtures shall be adequately screened by masonry walls, imitation- wood vinyl or composite material privacy fences with plantings, or plantings. Such fixtures and service equipment shall be screened in accordance with Article 8 screening requirements.
2. All service equipment including but not limited to air conditioning units and other utility or mechanical equipment that will be located on a rooftop shall be screened from ground level view behind a parapet wall or other architectural extension, equal in height to the unit requiring screening. Such parapet or extension shall be compatible to, in design, and integrated architecturally to the building. A parapet or extension of up to 8 feet in height will not be included when calculating building height. Ground level view shall be defined as any view of the structure from the property line in any front yard of the property.

d. Outdoor storage.

1. Outdoor storage of merchandise or inventory (other than motor vehicles) may be permitted as outlined in Sec. 305 regarding outdoor storage. Such outdoor storage shall be screened as per Article 8 screening requirements.
2. Outdoor storage of motor vehicles may be permitted only in paved areas shown on the site plan.

e. Sign regulations.

1. Number and size.

The sign regulations of Article 7 in regard to the number and size of signs apply in the QGO district as determined by the appropriate base zoning district.

2. Materials.

All signs shall be composed of wood, stone or other similar materials.

f. Decorative fences & walls.

3. Materials permitted.

Any fences or walls not required for screening under this section shall be composed of stone, decorative metal or decorative block. If located parallel to a street and within 30 feet of that street, these fences or walls shall comply with Article 8 of this Development Code.

4. Prohibited materials; exception.

Chain link, unfinished concrete or cinderblock, plastic or fiberglass, barbed or razor wire, and wood fences are prohibited. Paint shall not be used as a finish material. Exceptionally, the above prohibited materials may be utilized on a security fence if located inside an approved screening fence, wall, or other screening element as specified above.

(4) Building design requirements.

a. Bulk & setback requirements.

1. Maximum building coverage.

Except for one-story warehouse, storage, or distribution buildings which are limited to a maximum building coverage ratio of 45 percent, the ratio of building coverage to the total lot area shall in no case exceed a ratio of 55 percent, unless otherwise approved by the Director.

2. Floor area ratio.

The ratio of total floor area of all buildings on a lot to the total site area (Floor Area Ratio) shall not exceed a ratio of 150 percent (or 1.5 times the total site area), unless otherwise approved by the Director.

b. Building finishes, wall planes and roof planes.

1. Wall planes and roof planes.

Any building facing a public street or directly adjacent to a residentially zoned lot shall not have wall planes exceeding 30 feet in length without a change in plane by means such as a vertical recess, projection, change in material or color or pilaster. Changes in roof planes shall occur at locations with changes in wall planes.

2. Prohibited finish materials.

Aluminum, steel, vinyl, mirrored or reflective glass, raw cinderblock, unfinished concrete, fiberglass or plastic are prohibited, except as architectural detailing and decorative trim of not more than 15% of any one façade, unless greater percentage is approved by the Director.

3. Permitted finish materials for front-facing facades.

a) Principal materials.

Exterior finish materials visible from any public street shall be any of the following:

- i. Brick or brick face;
- ii. Natural stone including granite, marble, sandstone, field stone or any other natural stone;
- iii. Manufactured stone including imitation field stone, marble, terrazzo, and any other

manufactured architectural finish stone;

- iv. Clay tile with baked-on enamel finish; or architecturally treated decorative concrete block; or
- v. Cementitious stucco wall siding (troweled, blown, board or plank), including limestone either troweled or blown and stamped, stained or textured in finish, Exterior Insulation and Finish Systems (EIFS).
- vi. Metal siding is prohibited

b) Windows and glass doors.

- i. At least 25% of the street-façade of all nonresidential buildings shall consist of: glass windows and glass doors on each floor visible from a public street unless directly screened by an adjacent building landscaping screen, unless otherwise approved by the Director.
- ii. At least 25% of the street-façade of all residential buildings shall consist of glass windows and glass doors on each floor visible from a public street unless directly screened by an adjacent building landscaping screen, unless otherwise approved by the Director.

4. Permitted finish materials for side and rear facades.

Exterior finish materials for side and rear facades shall be any of the following:

- a) Brick or brick face;
- b) Natural stone including granite, marble, sandstone, field stone or any other natural stone;
- c) Manufactured stone including imitation field stone, marble terrazzo, and any other manufactured architectural finish stone;
- d) Clay tile with baked-on enamel finish;
- e) Architecturally treated decorative concrete block;
- f) Architecturally treated slabs or block either fluted or with exposed aggregate;
- g) Stucco on lathe or a synthetic stucco material (including EIFS) or an acceptable substitute.
- h) Fiber cement/cementitious siding (board or plank).

(5) Other requirements.

- a. Buildings and site elements shall be well maintained and repaired or replaced in a timely manner should damage or deterioration occur. Any damage or deterioration shall be corrected within 60 days.
- b. Outdoor loudspeaker systems are prohibited.
- c. For lots which include required landscaped yards, setbacks, buffer, or screens, the

developer shall submit a maintenance plan as part of project approval, showing proper maintenance and irrigation of landscaped areas, and providing for dead and underperforming plant material to be removed and appropriately replaced.

Sec. 4.25 - Mixed-use master planned developments.

(a) Legacy Status

(1) No applications to establish new mixed-use master planned developments or to expand the boundaries of existing mixed-use master planned developments shall be accepted for processing after December 5, 2020, except that any special use application for a mixed-use master planned development that is in process on December 5, 2020 shall continue to be processed and may be approved.

(2) The special use approval, concept plan, and development plan text govern the use and development of existing, approved mixed-use master planned developments. Amendments to existing mixed-use master planned developments require an amendment of the concept plan and development text by the Board of Commissioners following the special use approval procedures of this UDC.

Sec. 4.26 - Master planned developments.

(a) Legacy Status

(1) No applications to establish new master planned developments or to expand the boundaries of existing master planned developments shall be accepted for processing after December 5, 2020, except that any special use application for a master planned development that is in process on December 5, 2020 shall continue to be processed and may be approved.

Sec. 4.27 O-ED Estate Density Overlay District.

(a) The O-ED overlay district is established to protect and promote a suitable environment for rural or "large lot suburban" family life, agriculture including the raising of livestock and poultry, and the development of natural resources and other uses requiring extensive areas of land. This overlay district is required to protect the future development of land in accordance with the comprehensive plan of the county as amended. The O-ED overlay district shall place the following restrictions in addition to those in the overlaid districts. The minimum lot size and density requirements of this overlay district shall be met unless greater area is required for a use by the zoning district in which the property is located.

(1) Permitted uses.

All permitted uses that are allowed by this Development Code on a property by the applicable base zoning district are permitted provided they do not conflict with any requirement of this Section.

(2) District location.

The O-ED Overlay District is described as all those portions of Land Lots 1 through 6, 31 through 37, 39, 40 and 63 of the 1st District, 5th Section; Land Lots 1 through 3 and 32 of the 2nd District, 5th Section; and Land Lots 1 through 5, 7 through 13, and 23 of the 3rd District, 5th Section of Douglas County that are within the Bear Creek Watershed Protection District as defined on the Official Zoning Map of Douglas County. This area shall exclude parcel numbers 0006-015-0001, 0006-015-0006, 0006-015-0007, 0006-015-0008, 0006-015-0010, 0007-015-0002, 0007-015-0002, 0040-015-0016, 0041-015-0001 located on the official tax map of Douglas County.

(3) Area requirements:

The following requirements shall be met before any permits will be issued. When these requirements conflict with those in the R-A and R-LD zoning districts, as applicable to a particular property, the more restrictive shall apply.

a. Minimum lot size, single-family dwellings.

A single-family dwelling shall comply with the following minimum density and lot size requirements:

1. Every lot or subdivision shall achieve an overall density of one dwelling unit per no less than three acres (130,680 square feet) of gross land area.
2. A dwelling unit may be located on a lot containing no less than 43,560 square feet (one acre) of net land area, provided that the minimum density requirement of one dwelling unit per three acres is met for all dwelling units on the property or in the subdivision as a whole.
3. Deviations from the minimum density and lot size requirements of this Subsection may be granted by the Board of Commissioners in cases deemed to constitute a hardship to the property owner or an extraordinary benefit to the public health, safety or general welfare. Deviations shall be considered by the Board of Commissioners upon application of the property owner and following all procedures in conformance with the Procedures and Permits Article of this Development Code as though a zoning map amendment. No deviations will be considered for any financial hardship requests. Deviations may be granted as follows:
 - a) As a condition of approval imposed at the time of rezoning of a property; or
 - b) Upon appeal to the Board of Commissioners by the property owner.

b. Minimum lot size, other uses.

Any use other than a single-family dwelling shall occupy a property containing no less than 3 acres (130,680 square feet) of gross lot area.

c. Minimum buildable lot area.

1. Every property shall provide a single, contiguous buildable area of at least 43,560 square feet (one acre) within the lot exclusive of any land contained within a primary conservation area as defined in the Environmental Protection Article of this Development Code.

2. Additional land contained within a property or subdivision in excess of the minimum buildable area for each lot may be located within a primary conservation area.

(4) Treatment of open space.

Land within a subdivision that is not included within individual building lots shall be set aside as common open space. Such open space and primary and secondary conservation areas shall comply with the following provisions:

a. Conservation areas.

All primary conservation areas, and all secondary conservation areas designated by the developer for protection, shall be included within a conservation or natural resource easement (as applicable) in accordance with the requirements for such easements contained in the Environmental Protection Article of this Development Code

b. Ownership.

All common open space shall be owned by a homeowners' association in accordance with the requirements for such property owners' associations under the Subdivisions and Planned Developments Article of this Development Code.

Sec. 4.28 O-LF Landfill Overlay.

The O-LF Landfill Overlay District is established in order to protect properties near existing or previously closed solid waste disposal facility from well-water contamination and from the buildup of methane gas within enclosed buildings. It is the intent of this overlay district to maintain compliance with requirements imposed by the Georgia Department of Natural Resources, Environmental Protection Division (Chapter 391-3-4, Solid Waste Management).

(1) Area included.

The O-LF district is hereby established to include all areas located within ½-mile (2,640 feet) of the property line of a property on which is located a solid waste disposal facility permitted under the rules of the Georgia Environmental Protection Division, whether currently active or previously closed.

(2) Restrictions.

Within the O-LF district, the following shall apply:

- a. No new potable wells shall be allowed.
- b. Within 500 feet of the property line of a property on which is located a currently active or previously closed solid waste disposal facility, no new enclosed structures of any kind shall be permitted or constructed.

(3) Relief.

Relief from the restrictions imposed by the O-LF Landfill Overlay District may be requested under the Appeals Article of this Development Code.

Sec. 4.29 Airport Hazard Overlay District

The O-AH Airport Hazard Overlay District provides restrictions that supplement or override provisions of the underlying zoning districts beneath the airport zone, and includes all areas shown on the map labeled as such and adopted as part of the Official Zoning Map as required by Federal Aviation Regulations (FAR) Part 77.

4.29 (a) Definitions related to airport zones.

Airfield: In this section the terms "airfield" and "airport" are interchangeable and mean airfields in Douglas County.

Approach-departure clearance surface: This surface is symmetrical about the runway centerline extended. It begins as an inclined plane (glide angle) two hundred (200) feet beyond the end of the runway at the same elevation as the runway end, and extends for 50,000 feet. The slope of this surface is fifty to one (50:1) (glide angle) for military airports, along the runway centerline extended for 25,000 feet, at which point it reaches an elevation of 500 feet above the elevation of the runway end. It then continues horizontally at this elevation for an additional 25,000 feet. The width of this surface at the starting point (200 feet from the runway end) is 2,000 feet. It flares uniformly and the width at 2.5 miles is 2,696 feet. Glide angles for other types of airports shall be determined by consultation with the county engineer.

Flight hazard: Any structure or natural growth or use of land that obstructs or restricts the airspace required for the safe flight of aircraft in landing, takeoff or maneuvering areas as or in the vicinity of the airfield.

Landing area: That part of the airfield that is used or intended to be used for landing and takeoff of aircraft.

Structure: An object, including a mobile object, constructed or installed by man, including, but without limitation, buildings, towers, cranes, smokestacks, earth formations and overhead transmission lines.

4.29 (b) Compatible use zones.

To carry out the purposes of this section, all of the land within the boundaries of the future airfields in Douglas County and within one mile of the runway centerline extended of each instrument runway affected, for a distance of 2.5 miles from each end of such runway, is hereby declared to be a compatible use zone (CUZ) divided into three sub zones. The sub zones are:

- (1) CUZ-1: From the end of the runway extending outward in fan-shaped fashion matching the horizontal dimension of the approach-departure clearance surface for a distance of 2,500 feet.
- (2) CUZ-2: From the end of CUZ-1 to a point 2.5 miles from the end of the runway, extending in fan-shaped fashion to match the horizontal dimension of the approach-departure clearance surface.
- (3) CUZ-3: All of the CUZ not included in CUZ-1 and CUZ-2.

4.29 (c) Height limitations.

Except as otherwise provided in this section, no structure or natural growth shall be erected, altered, allowed to grow or maintained in the CUZ to a height in excess of the height specified below for each sub zone.

- (1) CUZ-1 and CUZ-2: Height limit is 10 feet below the approach-departure clearance surface with a maximum height of 50 feet.
- (2) CUZ-3: Height limit is 150 feet for this entire zone except for the area 2,050 feet on both sides of and parallel to the runway centerline which is governed by the seven to one (7:1) transitional slope surface.

4.29 (d) Land use restrictions.

No use may be made of land or water within the Airport Hazard Overlay District in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of the pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

4.29 (e) Regulations not retroactive.

The limitations prescribed in this Section shall not be construed to require the removal, lowering, or other change or alteration of any structure or natural growth not conforming to the regulations of this Division as of the effective date hereof, or otherwise interfere with the continuance of any nonconforming use. Nothing contained in this Division shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which has begun prior to the effective date of this Development Code and is diligently prosecuted and completed within two years thereof.

4.29 (f) Variance request.

Any person desiring to erect any structure or increase the height of any structure, or permit natural growth, or use such person's property, not in accordance with the regulations prescribed in this Division, may apply for a hardship variance under the provisions of the Procedures and Permits Article of this Code. Such variance may be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest, but do substantial justice and be in accordance with the spirit of this section.

4.29 (g) Obstruction marking and lighting.

Any variance granted under Section 4.30 (f), if such action is considered advisable to effectuate the purposes of this Division and reasonable in the circumstances, may be so conditioned as to require the owner of the structure or natural growth in question to permit the airport operator at the owner's expense to install, operate and maintain thereon such markers and lights as may be necessary to indicate to airport pilots the presence of a flight hazard.

4.29 (h) - FAA approval.

Included in any application for approval of an Airport Hazard Overlay District or for a variance under Sec. 4.29, there must be written approval by the Federal Aviation Administration that the property in question will be suitable for development as an airport or that the variance will not be inconsistent with FAA rules and regulations.

Article 4, Division V – Supplemental Development Standards

Sec. 4.30 - Minimum lot frontage.

No principal building shall be erected on any lot that does not have immediate frontage on at least one street or road for a distance of not less than 50 feet. However, the required frontage may be 35 ft. on a cul-de-sac or at such length specifically permitted within individual district regulations. Exceptions to this rule are contained in the following paragraphs.

Sec. 4.30 (a) Townhouse lots.

A townhouse subdivision lot shall have at least 20 feet of frontage on a public or private street.

Sec. 4.30 (b) Frontage for large lots.

Tracts greater than 5 acres in size that are exempt from the subdivision regulations are eligible for building permits, provided they have no less than 25 ft. of frontage on a public street or access via a recorded permanent easement at least twenty-five feet in width.

Sec. 4.30 (c) Exception.

The Board of Commissioners may grant an exception to allow one single-family dwelling and related accessory structures on tracts of at least 5 acres that do not comply with the standards above, provided the tract was created prior to 7 March 2000. The owner shall demonstrate to the board that the tract is suitable for dwelling construction and has reasonable vehicular access via frontage or a recorded easement of no less than 25 feet in width.

Sec. 4.30 (d) Street frontage required.

Every property must front on a street from which direct access can be gained that has been opened and accepted as a public street, or is a private street meeting public street design and construction standards or as otherwise specifically approved by the Board of Commissioners.

Sec. 4.31 - Residential density and lot area.

Sec. 4.31 (a) Minimum requirements.

Every property upon which a residential use will be located shall meet or exceed the requirements shown on the Development Standard Tables of this Article 4 for the zoning district in which the lot is situated. The minimum lot size must be met by each lot in a conventional subdivision.

Sec. 4.31 (b) Areas excluded from minimum lot computations.

- (1) Unless specifically noted otherwise, whenever the term "minimum lot area," or "minimum lot size," is used in these regulations, whether in reference to minimum lot size for building or development or minimum lot size for making an application to rezone a tract of land or in determining how many dwelling units may be permitted on property zoned for homes, duplexes, apartments, townhouses, a manufactured home park, a subdivision or a master planned development, the minimum lot area or net lot area shall be based on the gross land area calculation of the parcel under consideration for development.

- (2) Use of the term "gross lot area," "gross land area" or "total land area" shall include the total area of a lot or property, including any area classified as a primary conservation area as defined under the Environmental Protection Article of this Development Code.
- (3) Those portions of any lot or tract of land that are classified as primary conservation areas shall be protected from environmental damage as required under the Environmental Protection Article of this Development Code, but may be included in the computation of lot area or gross lot area to meet any minimum requirements for same as set forth in the individual lot development standards of this Article.

Sec. 4.31 (c) Maximum density.

- (1) The maximum density shown on Lot Development Standard Tables Article 4 shall limit the total number of lots in a subdivision, based on the gross area of the property.

Sec. 4.31 (d) Minimum buildable area.

- (1) Every single-family, duplex or manufactured home lot shall provide a single, contiguous buildable area for each dwelling unit that meets or exceeds the requirement shown on the development standard Table for each district depicted in this Article 4.
- (2) The minimum required buildable area shall exclude any area classified as a primary conservation area as defined in the Environmental Protection Article of this Development Code.
- (3) The buildable area of a lot shall be of a size and shape that will accommodate a residence meeting the minimum floor area required by its zoning district with no variances.

Sec. 4.32 - Nonresidential lot area.

Every property upon which a commercial, industrial or institutional use will be located shall meet or exceed the requirements shown on the lot development standard Tables for each district depicted in this Article 4 for the zoning district in which the lot is situated.

Sec. 4.33 - Minimum lot size on septic tank.

Sec. 4.33 (a) Minimum lot size established.

The minimum lot sizes shown on the development standard Table for each district depicted in this Article 4 for lots with septic tanks establish the minimum lot sizes on a nonresidential property and in a residential subdivision on which the County Health Department will approve an on-site sewage management system. The "non-sewered" figures shown assume that public water is supplied to the lot; minimum lot requirements are larger for lots on individual wells.

Sec. 4.33 (b) Lot size increases.

The County Health Department will require larger lot sizes in individual cases based on a variety of factors, such as:

- (1) The following land areas are not considered as a part of a lot when calculating the required minimum lot size: right of ways of roads, easements (such as power line or pipe line) that exclude installation of an on-site sewage management system, land within 50 feet of a lake, river,

stream, wetland or other bodies of water, and other areas excluded from lot area under 4.28 (b).

- (2) Lots located in groundwater recharge areas are subject to increase. See the Groundwater Recharge Area Section of the Environmental Protection Article of this Development Code.
- (3) The minimum land areas per dwelling shown on the development standards tables are for the typical size home (3 or 4 Bedroom) with basic appurtenances such as: driveway, minimum number of trees, and water supply line. If larger homes, swimming pools, tennis courts or outbuildings, etc. are proposed to be constructed or if trees would interfere with installation of an on-site sewage management system, the County Health Department will require larger lots to assure useable soil area.
- (4) The County Health Department may also require larger lot sizes when physical factors indicate the need to do so. These factors include, but are not limited to, the availability of sufficient unobstructed land areas for an approved on-site sewage management system and approved replacement system, slope greater than 5%, percolation rates higher than 45 minutes per inch, need for subsurface drainage or adverse topographic features.
- (5) Lots shall be a minimum width of 100 feet or 150 feet measured within the area where an approved on-site sewage management system and replacement system are to be located when served by a public water supply system or non-public water supply system, respectively.
- (6) There must be an unobstructed area on each lot for installation of an approved on-site sewage management system and an area equal in size for a conventional system or larger area, as appropriate, for an approved replacement system; this will include sufficient area for necessary site modifications for installation of both the initial system and a replacement system. All pertinent zoning setbacks and other space requirements must also be met.
- (7) The maximum daily sewage flow for each lot or parcel of land shall not exceed 600 gallons per acre per day (gpad) when served by non-public or individual water supply system or 1,200 gpad when served by public water supply system. When sewage flows exceed these quantities (600 or 1,200 gpad as indicated) for a given dwelling structure, the minimum lot size or parcel of land shall be increased proportionally following Health Department guidelines.

Sec. 4.34 - Minimum lot width.

Sec. 4.34 (a) Minimum lot width established.

- (1) Minimum lot widths are shown on Lot Development Standards for each district and are based on the lot's zoning district and method of sewage disposal. ¹[U](#)
- (2) The minimum lot widths shown on the Lot Development Standards Table for each district are measured at the minimum front setback line for principal buildings as required for each zoning district under this Article.

Sec. 4.34 (b) Lot width increases.

The lot width required on an individual lot may be wider than the minimum for a variety of reasons, such as:

- (1) A corner lot or other lot with multiple frontages may require an additional width in order to provide an adequate buildable area on the lot.
- (2) A greater lot width at the front minimum building setback line may be required in order to provide adequate lot width where the on-site sewage management system is to be installed, per Section 4.31 (b)(5).
- (3) A greater lot width may result from provision of the minimum lot frontage, depending on lot layout pattern, or to accommodate topographic or other physical conditions.

Sec. 4.35 - Minimum setbacks; principal buildings.

All principal buildings on a lot shall be set back from the minimum required right-of-way lines and from the side and rear lot lines bounding the lot no less than the distances shown on Lot Development Standards Tables of this Article. See definition of "principal building setback line" for application of the setback requirements. Prior to any inspections, all property lines immediately adjacent to any proposed structure, shall be staked by a registered land surveyor in order to assure all required setbacks have been met.

Setback: The shortest straight-line distance between a street right-of-way or lot line and the nearest point of a structure or building or projection therefrom (excluding roof overhangs of 18 inches or less), measured at 90 degrees to the street or lot line.

Sec. 4.35 (a) Thoroughfares, defined.

- (1) A major thoroughfare is any road for which the minimum required right-of-way is 80 feet or more, such as a major or minor arterial or a nonresidential collector. See Table 10.1 for right-of-way widths.
- (2) Minor streets include all streets for which the minimum required right-of-way is less than 80 feet, such as a residential collector road or a local residential street. See Table 10.1 for right-of-way widths.

Section 4.35 (b) Measurement of Side and Rear Setbacks

- (1) Side and rear yard setbacks are measured from the property line or, when a zoning buffer is required under Article 8, from the boundary of the buffer interior to the property.

Sec. 4.36 - Minimum setbacks; accessory buildings and structures.

See Article 3, Section 313(a)(3) Restrictions on Specific Uses.

Sec. 4.37 - Minimum floor area within a dwelling unit.

Minimum building floor area (as defined in this Code) in the agricultural and residential zoning districts shall be as follows:

Sec. 4.37 (a) Minimum floor area; AG, R-A, R-LD and R-MD districts.

The following shall control the minimum building floor area requirements for dwelling units in the AG, R-A, R-LD and R-MD zoning districts:

- (1) Minimum building floor area: subdivision lots.

A single-family dwelling unit constructed on a lot created as part of a subdivision shall meet the following minimum building floor area requirements: 1,800 square feet.

- (2) Minimum building floor area: individual lot.

A single-family dwelling unit constructed on a lot not created as part of a subdivision shall meet the following minimum building floor area requirement: 1,800 square feet.

- (3) Transition provisions for final subdivision plat approvals prior to effective date of this Development Code

The minimum building floor area for a single-family dwelling shall be no less than 1,300 square feet under the following circumstances:

- a. On any lot located within a subdivision that has been recorded as a final subdivision plat prior to the effective date of this Development Code; or
- b. On any lot located within a subdivision that has been granted preliminary subdivision plat approval prior to the effective date of this Development Code, and that is created by recordation of a final subdivision plat within one year after the effective date of this Development Code.

- (4) Transition provisions for final subdivision plat approvals after the effective date of this Development Code and prior to August 2, 2005

The minimum building floor area for a single-family dwelling shall be no less than 1,500 square feet under the following circumstances:

- a. On any lot located within a subdivision that has been recorded as a final subdivision plat after the effective date of this Development Code and prior to August 2, 2005; or
- b. On any lot located within a subdivision that has been granted preliminary subdivision plat approval after the effective date of this Development Code and prior to August 2, 2005, and that is created by recordation of a final subdivision plat within one year after August 2, 2005.

- (5) A request for a reduction in the minimum floor area requirements of this Section to no less than 1,300 square feet for any dwelling to be constructed by a nonprofit organization, certified as such under the Code of the U.S. Internal Revenue Service, may be approved by the Director of Development Services as a Special Exception variance in accordance with the Appeals Article of this Development Code.

Sec. 4.37 (b) Maximum occupancy provisions.

Occupancy within a dwelling unit is not allowed to exceed the following number of persons, based on the amount of building floor area within the unit:

- (1) For up to 800 square feet of building floor area, no more than 2 persons.

- (2) For each person over 2, at least 75 square feet of additional building floor area shall be provided within the dwelling unit.

Sec. 4.38 – Building and structure heights.

Sec. 4.38 (a) Building and structure heights; how measured.

- (1) Building height.

The vertical distance measured to the highest point of a building from the average finished grade across those sides of a building that face a street.

- (2) Structure height.

The vertical distance to the highest point of a structure (other than a building), as measured from the average grade at the base of the structure or from the average grade directly below a projecting structure.

Sec. 4.38 (b) Maximum building and structure heights.

The maximum height of all buildings and structures in each zoning district, except as otherwise provided in this Section, shall be as shown on Table 4.6.

- (1) Exemptions.

The following structures are exempt from the height limitations imposed by this Section, provided that no structure may exceed 200 feet in height from the average finished grade at its base:

- a. Agricultural buildings such as but not limited to barns, silos, windmills, grain elevators, and other farm structures, but not including dwellings.
- b. Cooling towers, gas holders, or other industrial structures where required as part of the manufacturing process.
- (2) Church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, electric transmission towers, chimneys, smokestacks, conveyors, flag poles, and TV reception antennae.
- (3) Height limitations for fences and freestanding walls.

Fences and freestanding walls (other than retaining walls) cannot be located within any public right-of-way, and may not exceed the following height restrictions:

- a. In the AG and R-A zoning districts, the following shall apply: A fence or freestanding wall may not exceed 8 feet in height.
- b. In the R-LD and R-MD zoning districts, the following shall apply: A fence or freestanding wall may not exceed 6 feet in height. A 2 foot transparent fence topper of similar materials is allowed to be constructed on top of the 6 foot fence.
- c. In all zoning districts and developments, fences or freestanding walls shall not obstruct visibility at street intersections (see the Sight Triangle provisions under the Project Design and Construction Standards Article).

- (4) Height limitations for radio, television and telecommunication antennae and towers.

Height limitations for radio, television and telecommunication antennae and towers are contained in the Radio, Television and Telecommunications Section of Article 3.

Sec. 4.39 - Criteria for the use of solar energy equipment.

Sec. 4.39 (a) General.

1. Building-mounted and ground-mounted solar energy systems are permitted in all zoning districts as an accessory use to any lawfully permitted principal use on the same property upon compliance with all requirements of this section and as elsewhere specified in this Development Code. Solar energy equipment shall be considered as accessory uses in all zone districts when the energy system is designed for on-premise consumption only, whether grid-tied or off-grid.
2. Solar energy equipment shall be located in the rear portion of a property or on a side or rear-facing roof, or, upon receiving development services approval, in the least visibly obtrusive location where panels would be functional. Solar panels, where visible from the front yard, must be mounted parallel to the roof surface.
3. Solar energy equipment must comply with all setback and height requirements for principal structures for the zoning district in which the property is located.
4. Non-functioning solar energy equipment or systems shall be repaired, replaced or completely removed in their entirety within 3 months of becoming non-functional.
5. All solar panels shall be equipped with a non-reflective finish/coating.
6. All installed equipment must meet applicable safety, power quality and interconnection requirements established by the National Electrical Code, National Electrical Safety Code, Institute of Electrical and Electronics Engineers and Underwriters Laboratories as required by the State of Georgia (O.C.G.A. 46-3-60 et seq.) as well as local electrical and safety codes.
7. Building-integrated systems, as defined by this Development Code, are not considered an accessory use and are not subject to the requirements of this Section.

Sec. 4.39 (b) Ground-mounted solar energy equipment.

1. On residentially zoned property:
 - a. Solar energy equipment shall be located only in the rear portion of a property unless approved otherwise by the Development Services Director or his designee; for corner parcels, solar equipment shall be located no closer to the side street right-of-way than the minimum setback requirements for principal structures.
 - b. Solar panels shall not cover or occupy more than 50% of the available rear-yard area exclusive of all required setbacks;
 - c. Ground-array solar systems shall have the same minimum setback requirement as for principal structures.
2. On commercial and industrial-zoned properties:
 - a. Solar energy equipment shall be located only in the rear portion of a property or a side portion on a side opposite any side street unless approved otherwise by the Development

Services Director or his designee; for corner parcels, solar equipment shall be located no closer to the side street right-of-way than the minimum setback requirements for principal structures.

3. All solar equipment shall be screened from sight from any street, public way or neighboring parcel subject to the approval of the Development Services Director or his designee. The buffers shall be constructed of fencing, hedges/bushes or combinations of these items. Ground-mounted solar energy equipment may not exceed a height of 15 feet above the ground.
4. Solar energy equipment must be and protected from unauthorized access or tampering by appropriate fencing, plantings, or a combination thereof, as determined by the development services department.
5. All exterior electrical and/or plumbing lines must be placed in a conduit and buried below the surface of the ground.
6. Solar energy equipment shall not block nor overhang any required parking areas, sidewalks or walkways.

Sec. 4.39 (c) Roof or wall-mounted solar energy equipment.

1. It is encouraged that roof-mounted solar energy equipment shall be installed in the plane of the roof (flush-mounted) or made a part of the roof design (capping or framing is compatible with the color of the roof or structure). Mounting brackets shall be permitted if the applicant can demonstrate that the existing pitch of the roof would render the solar energy equipment ineffective or would be impossible.
2. Solar energy equipment shall be located on a rear or side-facing roof as seen from the fronting street, unless the applicant can demonstrate that such installation would be ineffective or is impossible. Solar panels, where visible from the fronting street, must be mounted parallel to the roof surface.
3. Solar energy equipment shall not project vertically above the peak of the roof to which it is attached, or project vertically more than 5 feet above a flat roof.
4. All exterior electrical and/or plumbing lines must be painted in a color scheme that matches as closely as reasonably possible the color of the structure and/or the materials adjacent to the lines.

Sec. 4.39 (d) Permits required.

Installation of solar equipment shall be permitted through the building department.

Sec. 4.39 (e) Ground-mounted solar power energy system.

A ground-mounted solar power energy system or "solar farm" operating as a use-by-right must meet the following standards:

- (1) The maximum number of acres that a solar power energy system or "solar farm" can cover as a use by right is 35 acres outside of the required buffers below. Any acreage coverage in excess of 35 acres requires Special Use approval by the Board of Commissioners.
- (2) Solar power electric generation structures shall not exceed the height of 15 feet.

- (3) Active solar system structures shall be designed to be screened from routine view from public rights-of-way and adjacent properties and must meet the following buffers and setbacks:
 - a. There shall be a dense vegetative buffer to a depth of 50 feet as measured from all rear and side property lines. All vegetative buffers are subject to the regulations for buffers outlined in Article 8 and subject to the approval of the Douglas County Arborist.
 - b. An additional setback of 50 feet is required from the edge of the buffer for a total of 100 feet (buffer of 50 feet plus setback of 50 feet).
 - c. Front setbacks (those adjacent to rights-of-way) are 50 feet from the edge of the right-of-way and shall include a landscape strip of 25 feet immediately adjacent to the right-of-way.
 - d. No solar system site shall be cleared or graded beyond the limits of the scope of the actual project site.
 - e. There shall be no variances for required buffers or required setbacks enumerated in this article.
- (4) Solar power energy systems must be protected from unauthorized access or tampering by appropriate fencing which shall be located immediately around the solar power energy system and screened from view by all required buffers.
- (5) Solar power systems shall not emit unreasonable glare or negatively impact adjacent properties.
- (6) All installed equipment must meet applicable safety, power quality and interconnection requirements established by the National Electrical Code, National Electrical Safety Code, Institute of Electrical and Electronics Engineers and Underwriters Laboratories as required by the State of Georgia as well as local electrical and safety codes.
- (7) If a solar collector ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner or equipment owner shall remove the collector, mount and associated equipment by no later than 90 days after the end of the twelve-month period. Once the equipment is removed, the ground shall be stabilized and replanted in accordance to the requirements of Article 8 of the Unified Development Code and subject to the approval of the Douglas County Arborist.

Article 5. - Subdivisions and Planned Developments

Sec. 501 - Purpose of Article 5.

This Article sets out the different types of subdivisions and planned developments addressed in this Development Code, the methods for their creation, and standards that apply to each type of subdivision or planned development. Design and construction standards that all major subdivisions, multi-family and nonresidential developments must meet are found in Article 10. Procedures for the approval of a subdivision and other development projects are contained in Article 12.

Sec. 502 – Minor and major subdivisions; defined.

502 (a) Minor subdivisions.

A "minor subdivision" is one in which limited public improvements (such as new streets, stormwater drainage facilities or public utilities) are required. Minor subdivisions are defined as any one of the following:

(1) Re-subdivision "Revised Final Plat".

The re-subdivision of a lot within a recorded subdivision requires a revised final plat. For the purposes of this minor subdivision definition, "subdivision" means the named subdivision final plat including the subject lot as recorded in the office of the Clerk of the Superior Court. The title of the revision plat shall be "Revised Final Plat" for the named subdivision and depict all previously recorded information and incorporate the requested changes. The plat must be submitted to the Planning and Zoning Department for review by all agencies that authorized the originally recorded plat and allow them, the Development Services Director, and the Chairman of the Board of Commissioners to affix their stamp/signature of approval on the plat, along with appropriately titled deeds for each parcel created or reconfigured, and the plat and deeds must be recorded in the records of the Clerk of Superior Court of Douglas County.

(2) Nondevelopment land sales.

The sale of a parcel or tract of land for which no new streets or roads are created, or no new utility improvements are required, or no new sanitary sewer or approval of a septic tank is required. Any plat for such sale that is filed for recordation by the Clerk of the Superior Court must contain a certification signed and sealed by a licensed surveyor that approval of the plat is not required under the provisions of O.C.G.A. 15-6-67(d), and the plat shall be clearly captioned "The tract or tracts depicted on this plat are not eligible for connection to a sanitary sewer system or for septic tank approval." Development of lots so created will require the review and approval of a subsequent subdivision review process to recognize the lots as platted or as reconfigured should reconfiguration be necessary.

(3) Five-lot split.

The subdivision of an original tract that creates no more than 5 lots, building sites, or other divisions (including the remaining portion of the original tract). Each lot shall front on an existing paved public road and meet the minimum requirements of the zoning district. None of the lots created under this definition may be further subdivided except as a major subdivision. A subdivision under this category is reviewed by the Plat Review Committee, Development

Services Director, and the Chairman of the Board of Commissioners and those agencies will affix their approval stamp/signature to the plat to authorize its recordation. The plat shall be titled as a named minor subdivision. The plat, along with appropriately titled deeds for each parcel created, must be recorded in the records of the Clerk of Superior Court of Douglas County.

(4) Large lot subdivision.

The subdivision of an original tract that creates any number of lots that are 5 acres in size or greater (including the remaining portion of the original tract). Any lot created under this exemption, including the remainder of the original tract, may not be further subdivided except as a major subdivision. A subdivision under this category is reviewed by the Plat Review Committee, Development Services Director, and Chairman of the Board of Commissioners and those agencies will affix their approval stamp/signature to the plat to authorize its recordation. The plat shall be titled as a named large-lot minor subdivision. The plat, along with appropriately titled deeds for each parcel created, must be recorded in the records of the Clerk of Superior Court of Douglas County.

(5) Judicial Subdivision Exemption.

The subdivision of an original tract that creates any number of lots, whether conforming or not, because of a Court-ordered procedure such as the probate of a will or divorce decree or the result of condemnation proceedings. Such subdivisions shall have a plat prepared by a registered surveyor under their seal and signature depicting the property according to the requirements of the Georgia Plat Act with the title "Judicial Subdivision Exemption for" the appropriately named ownership interest and the plat must be submitted to the Planning and Zoning Department for its stamp/signature granting administrative recognition. The plat, along with appropriately titled deeds for each parcel created, must be recorded in the records of the Clerk of Superior Court of Douglas County.

(6) Rearrangement/Recombination, Lot Split, and Lot Combination

Minor rearrangement or alteration of lot lines or the subdivision of an original tract that creates no more than two lots, building sites, or other divisions (including the remaining portion of the original tract) may be made to any tract of land whether described by a recorded survey plat, unrecorded survey plat, or deeded description of a tract. It is subject to administrative review and approval of the County Development Services Director or his designee, provided such minor rearrangements, combinations or splits: front on an existing public road and meets the requirements for public access and meet the minimum standards for development of the zoning district. Further, for a two-lot split request, neither lot created under this definition may be further subdivided within 24 months of the recordation of the plat except by major subdivision procedures. Lot line rearrangements or lot combinations are permissible at any time and would still be eligible for lot split approvals, however, once a two-lot split approval has been granted, neither lot created under this definition as a two-lot split may be further subdivided within 24 months of the recordation of the plat. The rearrangement, lot combination or two-lot split procedures must meet the following requirements: The property being rearranged, split or combined must be shown on a plat prepared, stamped and signed by a professional engineer or land surveyor displaying the information required under the Procedures and Permits Article of this Development Code. The

plat must be submitted to the Planning and Zoning Department for its stamp of approval and the plat, along with appropriately titled deeds for each parcel created, must be recorded in the records of the Clerk of Superior Court of Douglas County.

502 (b) Major subdivision.

A "major subdivision" is any subdivision that does not qualify as a "minor subdivision." A major subdivision involves the construction of a new street or widening of an existing roadway, the provision of stormwater drainage facilities, or the construction or improvement of public utilities, or which otherwise has 6 or more lots (not in a large lot minor subdivision), building sites or other divisions.

Sec. 503 - Subdivision activity.

503 (a) Creation of minor subdivision.

- (1) A "minor subdivision" is the subdivision of an original tract in which each lot has frontage on an existing County street or road, and the subdivision does not require the construction of a new street or the widening of an existing roadway (other than the provision of dedicating right-of-way along substandard corridors). The provision of stormwater drainage facilities may be required, and limited construction or improvement of any public utilities may be required.
- (2) The term "original tract" as used in this Article means the entire tract of land as it existed as a legal lot of record prior to its division or reconfiguration as a minor subdivision.
- (3) Sidewalks for a Minor Subdivision shall be required along the frontage of paved roadways where existing or programed sidewalks are planned within 1 mile of the proposed Minor Subdivision development. The 1 mile distance will be measured from an existing or programmed sidewalk location, along the roadway shoulder to the nearest front property corner of the site. The need for sidewalk construction within a Minor Subdivision will be evaluated on a case by case basis and will be at the discretion of the Department of Transportation Director.

503 (b) Creation of major subdivisions.

Major subdivisions fall into the following categories for the purpose of development regulation:

- (1) Conventional subdivisions, in which the maximum density allowed for the zoning district determines the total number of lots in the subdivision, and all of the lots meet the minimum lot size for the zoning district as shown in Article 4. Open space outside of the lots may be created, but is not required. The installation of a new road which shall meet the requirements of the Project Design and Construction Standards Article of this Development Code as a major subdivision is required.
- (2) Private estate subdivisions, a type of conventional subdivision with minimum 5-acre lots and no more than 4 lots served exclusively by a private road. The installation of a new road which shall meet the requirements of the Project Design and Construction Standards Article of this Development Code as a major subdivision is required.
- (3) Planned unit developments approved under the PUD District. Projects approved as PUDs will be reviewed as conventional subdivisions when subdivision is requested under the Overall Development Plan, however the standards of development shall be governed by the Overall

Development Standards contained in the approved PUD ODP and ODS as granted by the Board of Commissioners unless otherwise stated in the authorizing ordinance. The installation of a new road which shall meet the requirements of the Project Design and Construction Standards Article of this Development Code as a major subdivision is required.

- (4) Legacy Status - Master planned developments. Any special use application for a mixed-use master planned development approved prior to December 5, 2020 shall continue to be permitted and eligible for amendments thereto as may arise from time to time.
- (5) Conservation or open space subdivisions, in which the maximum density allowed for the zoning district determines the total number of lots in the subdivision. As opposed to a conventional subdivision, conservation subdivisions incentivize creation and preservation of open space by allowing flexibility in lot size in accordance with the provisions of this Article. Open space outside of the building lots is required. The installation of a new road which shall meet the requirements of the Project Design and Construction Standards Article of this Development Code as a major subdivision is required.

503 (c) Conservation easement required.

- (1) All primary conservation areas in a conventional subdivision, open space subdivision or master planned development that are required to be protected by the provisions of this Development Code, shall be permanently protected from further subdivision, development and unauthorized use, by a conservation easement in conservation subdivision or master planned development, or a natural resources easement for conventional subdivisions.
- (2) Land within conservation easements and natural resource easements may be included within the lots in a subdivision, or ownership may be transferred to a homeowners' association or to a nonprofit conservation organization or land trust organized under Georgia law.
- (3) See the Environmental Protection Article of this Code regarding conservation and natural resource easements.

Sec. 504 - Conventional residential subdivisions.

504 (a) Maximum number of lots.

The maximum number of lots (or dwelling units) in a conventional residential subdivision shall be determined by the minimum lot size required for the zoning district where the subdivision is located.

504 (b) Minimum lot size.

In a conventional residential subdivision, the lot area per dwelling unit shown in Article 4 establishes the minimum lot size for each lot.

504 (c) Minimum lot width, setbacks.

The lot width and setback requirements of Article 4 apply to each lot in a conventional residential subdivision.

504 (d) Open space optional.

The developer may set aside common open space in a conventional residential subdivision voluntarily, but such open space is not required by this Code. Designated conservation areas required under this Development Code must be included within a natural resources easement, established in accordance with the conservation and natural resources easements Division of Article 9; such conservation areas may be located on the subdivision lots or within common open space.

504 (e) Private estate subdivisions.

Subject to the following conditions, private estate subdivisions shall be allowed as conventional residential subdivisions in Douglas County:

- (1) Single-family dwellings only shall be constructed in each residential subdivision.
- (2) All lots within the platted subdivision must be a minimum of 5 acres, with only one dwelling per lot, and each lot shall have a minimum of 50 foot frontage on a public street or a private street serving the subdivision.

There shall be no greater than 4 lots that front only on the private roadway, and the entire development shall be shown on a plat that must be approved by the Development Services Director and recorded upon the records of the clerk of the superior court of Douglas County. All property to be served by the private roadway shall be subdivided at the time of the approval of the private estate subdivision. Without the approval of the Board of Commissioners and all lot owners within the private estate subdivision, and subject to all provisions of this Development Code, there shall be no further subdivision of any of the lots following the date of the approval of the subdivision. At no time shall the total number of lots that front only on the private roadway in the private estate subdivision exceed 4.

- (3) The private estate subdivision shall meet the requirements of the Project Design and Construction Standards Article of this Development Code as a major subdivision, including the standards for the street upon which each lot in the subdivision fronts, whether public or private.
- (4) If the property is served by a well, all costs incurred in connection therewith shall be borne by the property developer or the individual lot owners. If public water is to be used, all water lines serving the private estate subdivision shall be constructed solely at the expense of the developers of the private estate subdivision, and each residence must have a separate water meter located at or near the intersection of the public right-of-way and the private drive. Separate lines shall be run from the water meters to each residence.
- (5) The developer and/or lot owner shall be responsible for and bear expenses of the placement of an operable fire hydrant at the intersection of the private drive and the public right-of-way to which it intersects; provided, however, that fire hydrants shall not be necessary if the county public water system is a distance of 1000 feet or more from the intersection of the private driveway and the public roadway.
- (6) Each lot with a house shall have its address posted on the house and at its driveway.
- (7) The roadway serving the private estate subdivision shall have placed thereon an identifying road sign that meets the requirements of the Project Design and Construction Standards Article of this Development Code.
- (8) School buses will not enter the subdivision, but shall stop at its entrance to serve eligible students who live in the subdivision.

- (9) Each deed to lots located within private estate subdivisions fronting on a private street shall contain the following recital:

"The property represented by this instrument is located within a private estate subdivision as defined and regulated by the Unified development Code of Douglas County, Georgia, and the record title holder hereof agrees to be bound by the terms and conditions of such regulations with respect to the lots and common roadway located in such subdivision."

- (10) All provisions of this Development Code not inconsistent with this section shall be complied with by the developer and/or lot owners.

504 (f) Residential development standards.

- (1) Recreation amenity.
- Every conventional residential subdivision having any lots less than 2 acres in size and proposed to contain 25 dwelling units or more must include a community recreation amenity to serve the development, based on the number of lots in the subdivision.
 - Unless otherwise established as a condition of zoning approval for the subdivision or exempted by the Board of Commissioners, the recreation amenity shall be as required on the following Table 5.1: Recreation Amenities—Conventional Residential Subdivisions with the final composition of the types of amenities fulfilling each of these specific aspects of recreation being at the discretion of the Director of Development Services.

Table 5.1: Recreation Amenities—Conventional Residential Subdivisions

	Number of Dwellings in the Subdivision			
Amenity Required	25 to 50	51 to 100	101 to 200	201 or more
Active Play Area ¹	1 (1 acre)	1 (1 acre)	1 (1 acres)	2 (1 acre each)
Athletic Court ²		1 (1 acre)	1 (3 acres)	2 (1.5 acres each)
Swimming Pool ³			Min. 1,800 sf, 30 x 60 ⁴	Min. 2,250 sf 30 x 75 ⁵
Clubhouse		Min. 1,500 sf	Min. 2,000 sf	Min. 2,600 sf ⁵

¹ Children's play area including active play equipment.

² Any combination of greenspace, pavilion, picnic area, etc.

³ Pools shall meet or exceed ANSI/NSPI-1 standards for Class B public pools.

⁴ Pool may be located in the active play area.

⁵ Pool and clubhouse must be located outside of any other required active or passive play area.

All required active and passive areas must be placed within the subdivision to equally serve all residents. If more than one active or passive area is required, each area must be located individually and may not be combined.

- c. The proposed amenity area(s) and recreation amenities to be provided shall be submitted as part of the preliminary subdivision plan application for project approval as required under Article 12 of this Development Code.
 - d. All required amenities shall be completed and available for use prior to the issuance certificates of occupancy for any residential units for the initial phase of the subdivision.
 - e. Such amenities may not be developed within a Primary Conservation Resource Area.
 - f. All required amenities shall be located interior to the subdivision. No such amenities shall be located immediately adjacent to existing county or state right-of-way without significant screening landscaping and fencing or adjacent to existing residentially zoned properties.
- (2) Lots within the subdivision shall be serviced with underground utilities (electric power, natural gas, telephone, TV cable. etc.) unless this requirement is waived by the County Engineer due to physical construction constraints.
 - (3) All dwelling units shall have front, side and rear facades which consist entirely of those materials allowed on residential construction as provided for in Article 3, Section 307.
 - (4) Each dwelling unit must include at least two paved off-street parking spaces.
 - (5) Subdivisions with more than 119 dwelling units proposed in total, regardless of the phasing for installation, shall provide a minimum of two full access points to existing public right-of-way or an alternative that meets the requirements of the Fire Marshall's office and is approved by the Department of Transportation Director.

Sec. 505 - Commercial and industrial subdivisions.

505 (a) Maximum number of lots.

The maximum number of lots in a commercial or industrial subdivision shall be determined by the minimum lot size required for the zoning district where the subdivision is located.

505 (b) Minimum lot size.

In a commercial or industrial subdivision, the lot area shown on the zone district development standards tables in Article 4 establishes the minimum development standards for each lot.

505 (c) Minimum lot width, setbacks.

The lot width and setback requirements of Article 4 apply to each lot in a commercial or industrial subdivision.

505 (d) Open space optional.

The developer may set aside common open space in a commercial or industrial subdivision voluntarily, but such open space is not required by this Code. Designated conservation areas required under this Development Code must be included within a natural resources easement, established in accordance with the conservation and natural resources easements Division of Article 9; such conservation areas may be located on the subdivision lots or within common open space.

Sec. 506 - Planned unit developments.

Section 506 (a) Purpose

The PUD district is intended to permit the planning and development of parcels of land that are suitable in location and character for the uses proposed as unified and integrated developments in accordance with detailed development plans. These plans may supersede the regulations included in Articles 1-15 of the Unified Development Code (UDC) where indicated by these development plans. The PUD district is intended to provide a means of accomplishing the following specific objectives:

- a. To provide for development concepts not otherwise allowed within non-PUD zoning districts;
- b. To provide flexibility, unity, and diversity in land planning and development, resulting in convenient and harmonious groupings of uses, structures and common facilities;
- c. To accommodate varied design and layout of housing and other buildings;
- d. To allow appropriate relationships of open spaces to intended uses and structures;
- e. To encourage innovations in quality residential, commercial, and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space;
- f. To lessen the burden of traffic on streets and highways; and
- g. To provide a procedure that can relate the type, design, and layout of residential, commercial, and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics.

Section 506 (b) Lot Development Standards

Table 5.06-1

Lot Dimensions	
Minimum Lot Area	5-acres minimum INITIAL development site
Minimum Lot Width	
Minimum Lot Frontage	

Maximum Density	
Minimum Setbacks	
<i>Principal Building</i>	
Front	
Side	
Rear	
<i>Accessory Building</i>	
From Principal Structure	
Front	
Side	
Rear	
Maximum Height	
Principal	
Accessory	
Minimum Floor Area	
Impervious Surface Coverage	

Section 506 (c) Minimum Standards.

- (1) No PUD district may be established without the concurrent approval of the Overall Development Standards (ODS) and an Overall Development Plan (ODP) by the Board of Commissioners, in accordance with the provisions herein.
- (2) PUD districts shall have a minimum contiguous area of five acres.
- (3) PUD districts shall provide a mix of a minimum of two of the following use categories, whether fully private or in partnership with public entities, and/or must contain two or more densities (units per acre) of residential type uses, which shall be accommodated in

each building in vertical mixed-use development configuration or horizontally throughout the areas within the proposed development boundary:

- a) Residential single, and/or multifamily units;
 - b) Commercial offices;
 - c) Retail;
 - d) Hotel/Lodging;
 - e) Light Industrial, warehousing, and/or distribution uses;
 - f) Civic/Convention/Sports uses, or
 - g) Agricultural Uses
- (4) Twenty percent open space, which shall include a town center, community green, park, or other community focal point.
- (5) The boundaries of each PUD, upon approval, must be shown on the Zoning Map, shall be in conformance with the adopted Comprehensive Plan, and the approved Overall Development Plan.
- (6) Any development standards not expressly defined by the ODP shall be regulated by the development standards as applicable and expressed in Articles 1-15 of the UDC.

Section 506 (d) Application of Regulations.

- (1) Overall Development Standards (ODS). Development of the PUD is governed by the ODS that designates the standards of zoning and development for the property. These standards will replace the development standards in the UDC and should include, at a minimum, the following:
- a. Permitted and prohibited uses;
 - b. Maximum FAR and/or density of units;
 - c. Maximum impervious surface;
 - d. Minimum open space;
 - e. Minimum and Maximum building height;
 - f. Minimum lot size;
 - g. Required Yard setbacks;
 - h. Maximum block length;
 - i. Parking requirements; and
 - j. Building massing.

- (2) Overall Development Plan (ODP) - Development of the PUD is also governed by the ODP which includes a series of plans and design related documents regulating the development of the property. At a minimum, the ODP shall include the following:
 - a. Analysis of Existing Conditions. An analysis of existing site conditions including a boundary survey and topographic map of the site at a minimum 1 inch = 40 feet scale shall include information on all existing manmade and natural features, utilities, all streams and easements, and features to be retained, moved or altered. The existing shape and dimensions of the existing lot to be built upon including the size, measurement and location of any existing buildings or structures on the lot shall be included.
 - b. Overall Master Plan. A masterplan at a minimum 1 inch = 40 feet scale outlining all proposed regulations and calculations which shall include, but not be limited to, information on all proposed improvements including proposed building footprints, doors, densities, parking ratios, open space, height, sidewalks, yards, under and over-head utilities, internal circulation and parking, landscaping, grading, lighting, drainage, amenities, and similar details including their respective measurements.
 - c. Phasing Plan. Should a PUD be expected to require five years or longer to complete, a phasing plan shall be provided by the applicant that indicates the timeframe for construction and development of different aspects of the PUD.
 - d. Regulating Plan. A regulating plan shall be provided with street types and open space for all property within the PUD boundary. The regulating plan shall be keyed to a set of standards developed based on location. This plan should consider how all modes of transportation will be accommodated including pedestrians, bicycles, cars, transit, rideshare, etc. Detailed cross sections shall also be included in this plan or as an attachment to this plan.
 - e. Streetscape and Hardscape Manual. A streetscape and hardscape manual shall be created that includes specifications for the following: sidewalk clear zones, landscape zones, supplemental zones including details regarding lighting fixtures, on-street parking, street furniture, landscape materials and other amenities. A streetscape map shall accompany this manual that identifies appropriate streetscape and hardscape designs for all streets, plazas, open space, locations for public art etc. within the plan.
 - f. Architectural Pattern Book. An Architectural Pattern Book demonstrating approved building materials, features, exterior finishes, windows, doors, colors, and other items affecting exterior appearance, such as signs, mechanical systems, fencing, etc. The pattern book shall include renderings of proposed buildings.
- (3) To the extent that the approved ODS and ODP for a PUD contradict the development regulations and this UDO, the approved ODS and ODP for the PUD district governs.
- (4) Due to the mixed-use nature of PUD proposals, design must be determined based upon the context and guidance of the comprehensive plan and specific character area plan area in which the PUD is located, as applicable.

- (5) Any additional information deemed necessary by the Development Department to determine compliance with ordinance standards.

Section 506 (e) PUD Perimeter Compatibility

Land uses developed at the perimeter of the site shall be developed in a manner that is compatible with adjacent off-site land uses or zoning, or a 100-foot wide buffer shall be provided between the uses in the PUD and the perimeter of the site. Compatibility shall be judged on the basis of similar land uses, average lot sizes, setbacks, and other development standards.

Sec. 507 - Mixed-use master planned developments.

Sec. 507 (a) Legacy Status

- (1) No applications to establish new mixed-use master planned developments or to expand the boundaries of existing mixed-use master planned developments shall be accepted for processing after December 5, 2020, except that any special use application for a mixed-use master planned development that is in process on December 5, 2020 shall continue to be processed and may be approved.
- (2) The special use approval, concept plan, and development plan text govern the use and development of existing, approved mixed-use master planned developments. Amendments to existing mixed-use master planned developments require an amendment of the concept plan and development text by the Board of Commissioners following the special use approval procedures of this UDC.

Sec. 508 - Master planned developments.

Sec. 508 (a) Legacy Status

- (1) No applications to establish new master planned developments or to expand the boundaries of existing master planned developments shall be accepted for processing after December 5, 2020, except that any special use application for a master planned development that is in process on December 5, 2020 shall continue to be processed and may be approved.
- (2) The special use approval, concept plan, and development plan text govern the use and development of existing, approved master planned developments. Amendments to existing master planned developments require an amendment of the concept plan and development text by the Board of Commissioners following the special use approval procedures of this UDC.

Section 509 Centralized or clustered mailbox units

Sec. 509 (a) Centralized or clustered mailbox units, where allowed.

This amendment applies to developments where the USPS has determined that individual mail delivery will not be available to a new development. This section applies specifically to mail kiosks and their

attached parking areas when not in association with other principle amenities that may be covered by other Articles of the Development Code.

Sec. 509 (b) Standards for development.

- (1) Centralized or clustered mailbox units will be in place prior to the approval of any Certificates of Occupancy. Centralized or clustered mailbox units shall be developed on individual lot(s) within the subdivision.
- (2) The Homeowner's Association will own and maintain the lot(s) where the mailbox units are located. The lot serving the centralized mailbox units shall not be in a cul-de-sac or at a dead-end. The neighborhood amenities lot can serve as the location for the centralized mailbox units, provided that the amenities are centrally located to equally serve all residents. There may be more than one lot dedicated to the centralized mailbox units.
- (3) All lots dedicated to centralized mailbox units shall be identified on all preliminary and final plats as well as construction plans. Completion of all lots serving centralized mailbox units shall be the responsibility of the developer and/or builders in the subdivision.
- (4) Parking shall be provided on a hardened and treated surface constructed to county standards as provided for in this development code. Access into and out of the lot shall be from a driveway which is subject to the approval of the Douglas County Department of Transportation. On-street parking shall not be allowed at the location of the centralized mailbox units. The route of access to the mailbox must be handicapped accessible. Parking for mail kiosk without any other amenities shall be implemented according to the standards of this Section as follows:
 - (a) Automobile parking spaces.
 1. Every automobile parking space shall be designed according to the standards of Article 6 of this code.
 - (b) Layout and circulation.
 1. No automobile parking spaces shall be accessible directly from an access driveway within the first 20 feet of the driveway back from the street back of curb.
 2. Aisles serving off-street automobile parking spaces shall be designed according to the standards of Article 6 of this Code.
 3. One-way traffic aisles must be clearly marked with directional arrows on the pavement at each intersection with another aisle.
 4. Off-street parking for mail kiosks without any other amenities shall be set back from the front property line by at least 5 feet. An additional 5-foot setback from any zoning buffer required along a side or rear property line shall also be maintained.
- (5) The maximum required parking provided shall be 10% of the number of mailbox units provided on the lot. The minimum number of spaces provided for mail kiosks shall be no less than 60% of the required maximum, but not less than two parking spaces. If located in a principle amenity area, the number of parking spaces serving the centralized mailboxes and their design shall be in addition to the number of required spaces serving the amenity and shall be so designated to serve the mailbox units. At least one parking space shall be handicapped accessible.
- (6) Reserved.

- (7) Reserved.
- (8) Lots serving the centralized mailbox units shall be lighted with pedestrian scale lighting and landscaped so that there is visual screening from adjoining residential properties.
- (9) Centralized mailbox units shall be covered with a decorative roofing structure to provide all weather coverage for individuals picking up mail.

Sec. 510 - Property owners' association.

510 (a) Homeowners' association, when required.

For any residential development composed of individual properties held in fee simple ownership and containing common open space or other lands in common ownership, a Homeowners' Association that provides for building and grounds maintenance and repair, insurance and working capital shall be required.

- (1) The open space shall be owned by a nonprofit homeowners' association composed of all of the property owners in the subdivision containing the open space. The homeowners' association shall be formed under the provisions of O.C.G.A. 44-3-220, which is known as the "Georgia Property Owners' Association Act."
- (2) Membership in the Homeowners' Association must be mandatory for each property in the development.
- (3) Such associations must also include homeowners' declaration and bylaws, including covenants, conditions and regulations applicable to each property in the development.
- (4) The declaration and bylaws shall be enforced by the Association or by an Association Management Company designated by them, which shall have the power to compel the payment of membership dues and assessments.
- (5) The documents creating the Homeowner's Association must provide that an adequate reserve fund for the Association will exist at the time that control of the Association transfers from the developer to the purchasers of homes in the development. The reserve fund must be equal to no less than one year's expenses reasonably expected for the minimum operations legally required of the Association. In lieu of a reserve fund, documents creating the Homeowner's Association may provide for a contract committing the developer to pay for all reasonable expenses of the Association for the one-year period following transfer of control.

Prior to that time that control of the Association transfers from the developer to the purchasers of homes in the development, monthly statements of income and expenditures by the Association shall be maintained in the Association's headquarters or office, and made available upon request to any homeowner, prospective homeowner who is a party to a contract to purchase property in the development, or any thereof. Additionally, developers shall cause a financial review by a registered Certified Public Accountant to be performed on the Association's finances one year after approval of the final plat of the subdivision, or the first phase of the subdivision in the case of multiple phases, and again annually after that, for as long as the developer controls the Association, and shall file the report from the financial review in the Development Services office. Also projected annual maintenance costs associated with, including but not limited to, all amenities, common open space, lakes, dams, detention ponds, trails, etc. shall be maintained and made available upon request by any

homeowner, prospective homeowner who is a party to a contract to purchase property in the development, or any thereof.

(6) The covenants, conditions and regulations shall, at a minimum, regulate and control the following:

- a. Equal access and right of use to all shared facilities;
- b. Perpetual and continued maintenance of open and shared space, specifically including, but not limited to, storm water detention facilities, dams, and lakes;
- c. Tax liability in the case of default;
- d. The method of assessment for dues and related costs;
- e. Where appropriate, party wall maintenance and restoration in the event of damage or destruction;
- f. Animals, including household pets;
- g. Signs;
- h. Exterior items such as fences, lawn ornaments, and landscape areas and zoning buffers;
- i. Building improvements;
- j. Outside storage;
- k. Overnight parking of vehicles;
- l. Decorations and holiday lighting;
- m. Trash collection containers; and

(1) Registration requirements

- i. The covenants shall acknowledge that all new Property Owners Associations shall be required to register with Douglas County. The Association will provide their name, mailing addresses, and name and contact information of the association's officers to the Clerk of the Douglas County Board of Commissioners;
- ii. The covenants shall acknowledge that, upon the election of new officers, the Association will provide name and contact information of new officers to the Clerk of the Douglas County Board of Commissioners within ten (10) days of the election;
- iii. The covenants shall acknowledge that a set election date for officers shall be identified and that date shall be provided to the Clerk of the Douglas County Board of Commissioners;
- iv. The covenants shall acknowledge that notice of an upcoming election must be provided to members of the Association 30 days prior to the election by:
 - 1. Direct mailing via US Postal Service to 100% of members primary mailing address; or
 - 2. Direct email to 75% of members primary email address.

- v. The covenants shall acknowledge that the Association will provide an annual summary of their financial report to the Clerk of the Douglas County Board of Commissioners.
 - vi. The covenants shall acknowledge that the Association will provide an annual summary of their financial report to members of the Association via direct mail through the US Postal Service or email to the Association member.
 - vii. The covenants shall acknowledge that the Douglas County Board of Commissioners shall provide the name of the Association, the results of their annual elections and their financial report as public record on the Douglas County Board of Commissioners website.
 - viii. The covenants shall acknowledge that failure to comply with this requirement may result in penalties in accord with Article 14, Section 1411 of this Code.
- (7) For subdivisions, the Homeowner's Association must be formed and incorporated at the same time the final plat for the subdivision or any portion of the subdivision is first recorded. A copy of the proposed Homeowner's Association documents is to be submitted with an application for final subdivision plat approval.
- (8) While the developer is in control of the Homeowner's Associations, before said control is turned over to the homeowner's of the subdivision, copies of the homeowner's declaration and bylaws, including covenants, conditions and regulations, shall be displayed in the subdivision's construction office. Homeowner's Association headquarters office, or other common building within the subdivision, and shall be made available to prospective buyers of subdivision lots.
- (9) The control of Category I Dams shall not be turned over to the homeowners' of the subdivision until formal acceptance of at least seventy-five percent (75%) of all actual homeowners has been obtained.

510 (b) Owners' association.

For nonresidential development projects, an association of the property owners that is consistent with the requirements for a homeowners' association will serve in lieu of the requirements of this Section.

510 (c) Condominium association.

For condominium projects, incorporation of a Condominium Association consistent with state law will serve in lieu of the requirements of this Section, provided that:

- (1) Specific maintenance responsibilities for storm water detention facilities, dams, and lakes are included; Also projected annual maintenance costs associated with, including but not limited to, all amenities, common open space, lakes, dams, detention ponds, trails, etc. shall be maintained and made available upon request by any prospective unit owner who is a party to a contract to purchase unit(s) in the development, or any thereof; and
- (2) The documents creating the Condominium Association must provide that an adequate reserve fund for the Association will exist at the time that control of the Association transfers from the developer to the purchasers of units in the development. The reserve fund must contain an

amount equal to no less than one year of expenses reasonably expected for the minimum operations legally required of the Association.

- (3) The control of Category I Dams shall not be turned over to the Condominium Association until formal acceptance of at least seventy-five percent (75%) of all actual purchasers of units in the development has been obtained.

Sec. 511 - Conservation subdivisions.

511 (a) Conservation subdivisions, where allowed.

Conservation subdivisions include options for both cluster type development and large lot type development. Conservation development provisions may be applied to any single-family detached subdivision in the AG, R-A or R-LD zoning district, with the following limitations:

1. A cluster conservation subdivision is not allowed in the Dog River Watershed Protection District or the Estate Overlay District (O-ED).
2. A large-lot conservation subdivision is allowed in any residential zoning district, so long as the density complies with the base zoning district or as otherwise required by an overlay district applicable to the property, whichever results in the lowest density.

Conservation subdivisions are reviewed and approved under the same process that applies to conventional subdivisions.

In addition to any conditions of zoning approval that may apply to a specific property, the provisions of this Section apply to all Conservation subdivisions.

511 (b) Maximum number of lots.

A Conservation subdivision shall not exceed the maximum density of dwelling units per acre allowed for the zoning district in which the Conservation subdivision is located (as shown in Article 4 of this code), or as otherwise required by an overlay district applicable to the property, whichever results in the lowest density. The maximum density shall be applied to the gross acreage of the entire property, excluding only those areas excluded from maximum density computations under Article 4.

1) Minimum dimensional standards – Cluster Conservation Subdivisions.

a. AG Conservation subdivision.

For a Conservation subdivision in the AG zoning district, the minimum lot area, width, setbacks, buildable area, structure height and all other dimensional requirements applicable to the R-A zoning district shall apply.

b. R-A Conservation subdivision.

For a Conservation subdivision in the R-A zoning district, the minimum lot area, width, setbacks, buildable area, structure height and all other dimensional requirements applicable to the R-LD zoning district shall apply.

c. R-LD Conservation subdivision.

For a Conservation subdivision in the R-LD zoning district, the minimum lot area, width, setbacks, buildable area, structure height and all other dimensional requirements applicable to the R-MD zoning district shall apply.

2) Minimum dimensional standards – Large Lot Conservation Subdivision

- a. In a residential zoning district, a subdivision where the minimum acreage per residential lot is two acres or greater and the average lot width is 200 feet or greater may identify areas of common conservation as a part of individual lots with a stipulation on the final plat that requires those portions of the lot to remain in common conservation use, according to Article 9 of this code.

511 (d) Common Conservation.

Acreage not utilized for residential lots, roadway access and utilities shall be placed in common Conservation or devoted to recreation amenities. Designated conservation areas required under this Development Code must be included within a conservation easement established in accordance with the conservation and natural resources easements Division of Article 9; or they must be clearly identified as common conservation and must include a stipulation that disallows further subdivision of the lot. All areas dedicated to common conservation shall be clearly identified on preliminary and final plats for the project.

- (1) A minimum percent of the gross project site area shall be reserved for common Conservation, as follows: no less than 40% of the total site must be set aside as Conservation for conservation, preservation or passive recreational use, such as walking trails and picnicking. Buffers, wetlands, bodies of water and otherwise unbuildable areas shall constitute no more than 50% of the minimum required Conservation.

Additional common Conservation may be provided for active recreation areas for the proposed development, such as swimming pools, tennis courts, community facilities, etc.

Required zoning buffers on the perimeter of the property may be included in the common Conservation area, provided that such buffer areas may not be counted toward more than 10% of the minimum Conservation requirement of Sec. 501 (a)(1).

While common Conservation shall not be required to be contiguous, no individual portion of the Conservation shall be less than 1 acre in size, nor less than 50 feet wide in its narrowest dimension, except as follows:

- a. The Conservation area, by the very nature of its designated boundaries, is less than 50 feet in width. Examples include strips of steep slopes and "fingers" of floodplains that extend up drainage swales.
- b. Parkways between road travelways, which must be at least 26 feet in width.

Viewshed buffers are required so as to screen the view of the subdivision development. Viewshed buffers must be at least 200 feet in width unless the topography of the land adequately screens the view of the buildings in the subdivision from the abutting roadway. If the existing vegetation does not provide adequate screening from the abutting roadway, additional landscape plantings will be required to supplemental the viewshed buffer.

No portion of the residential lots shall be credited toward the minimum Conservation requirements unless the portion is included within the conservation easement or identified as common conservation according to this Article. No portion of any street right-of-way or public or private utility easement shall be credited toward the minimum Conservation requirements.

The required common Conservation and any applicable conservation easements shall be platted at the same time that adjacent residential lots are platted, in whole or in phases.

511 (e) Residential development standards.

- (1) Every residence must be connected to a public water system.
- (2) Recreation amenity.
 - a. Every Conservation subdivision having any lots less than 2 acres in size and proposed to contain 50 dwelling units or more must include a community recreation amenity to serve the development, based on the number of lots in the subdivision as delineated in Article 5, Section 504(f) for Conventional subdivisions unless otherwise established as a condition of zoning approval.
 - b. Conservation subdivisions shall be serviced with underground utilities (electric power, natural gas, telephone, TV cable. etc.) unless this requirement is waived by the County Engineer due to physical construction constraints.
 - c. All dwelling units shall have 100% of the front façade as brick and/or stacked stone, 100% of the side façade shall be brick and rear façades which consist entirely of any combination of brick, and cementitious siding.
 - d. Each dwelling unit must include at least a 2-car garage having no less than a 10-foot by 20-foot area per parking space.

511 (f) Internal orientation required.

All lots within a Conservation subdivision must front upon and gain their access from a street within the subdivision, according to the following standards.

- a. For the purposes of this code section, a street shall meet the standards of a local residential street with curb & gutter or a local residential street with swale ditches according to Article 10 of this code.
 - i. Swale ditches may be used as an alternative to curb and gutter in a subdivision where the minimum acreage per residential lot is two (2) acres or greater and the average lot width is 200 feet or greater at the road frontage.
- b. In instances where a lot will front upon or gain its access from an existing County street or road, that lot shall comply with the dimensional standards of the zoning district within which the Conservation subdivision is located.
- c. With approval of the Director, the requirements for sidewalks may be modified so as to preserve the character and context of the conservation subdivision, according to the following specifications.

Article 6. - Parking and Loading Requirements

Sec. 601 - Purpose of Article 6.

This Article sets out the requirements and restrictions on the provision of automobile parking spaces for each development to accommodate its residents, employees, customers and visitors, and for adequate truck parking to serve any business or industrial building, hospital, institution, or hotel. The provisions of this Article apply equally to each designated use without regard to the zoning district in which it is located.

Sec. 602 Reserved.

DIVISION I. - OFF-STREET PARKING.

Sec. 603 - Off-street parking; when required.

Permanent off-street parking spaces shall be provided in accordance with the requirements of this Article whenever any of the following occurs:

- (1) At the time of the establishment of any use, or erection of any building.
- (2) At the time of occupancy of a building by a new use.
- (3) At the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area.

Sec. 604 - Number of parking spaces required.

604 (a) Parking for residents, employees, customers and visitors.

Space for the parking of motor vehicles must be provided to serve every property that contains a principal use, for the safety and convenience of the people who live or work on the property, shop or do business on the property, or otherwise visit the property in the normal course of activity of the principal use.

- (1) Maximum number of parking spaces allowed.

The maximum number of outdoor off-street parking spaces to be provided for residents, employees, customers and visitors for each type of land use shall be determined according to Table 6.1, rounded up to the nearest whole parking space. Additional spaces may be provided for residential and lodging uses within fully enclosed garages.

- (2) Minimum number of parking spaces required.

- a. At least 2 parking spaces for each dwelling unit in a single-family detached, two-family or townhouse building shall be provided, either in outdoor areas or driveways, or within garages or carports, or both. For multi-family developments, the minimum shall be 1.5 parking spaces per dwelling unit.
- b. All single-family detached residences or subdivision projects incorporating such, shall provide an enclosed two-car garage, whether attached or detached in addition to paved spaces for two vehicles or four (4) paved spaces for vehicles to park.

- c. On all single-family residential lots one (1)-acre or less, parking shall be required to be on a surface treated and hardened with concrete or asphalt to accommodate such vehicles. Any extensions of the parking area shall be contiguous to existing parking that connects to the street. A permit shall be required prior to any construction in order to ensure impervious limits are not exceeded.
- d. For all uses other than single-family detached, two-family, townhouse or multi-family residential, the minimum number of outdoor parking spaces allowed on a property for residents, employees, customers and visitors shall not be less than 75% of the maximum number of parking spaces allowed, as determined for the type of land use on Table 6.1. Developments containing two or more of the uses listed on Table 6.1 may provide no less than 75% of the number of spaces allowed for each use (except as may be further reduced under shared parking, below).

604 (b) Parking for company-owned vehicles not included.

Every business that stores vehicles owned by the business on site overnight (such as a company fleet), or maintains a stock of vehicles as part of its business activities (such as a car sales lot, a salvage and wrecking yard, car rental agency, etc.), shall provide for adequate parking or storage for the vehicles such that no parking occurs in a public right-of-way or in an area that has not been improved as a parking lot or storage yard. Such parking spaces shall be in addition to those required for residents, employees, customers and visitors.

604 (c) Maneuvering lanes not considered parking.

Areas designated for temporary occupancy of vehicles while maneuvering on a site, such as queuing lanes for a drive-in window, are not considered parking spaces.

604 (d) Dedication to parking use.

- (1) Parking spaces provided to meet the requirements of this Article, along with the aisles and driveways necessary to provide access to those spaces, shall not be used for any other purpose than the temporary parking of vehicles. Specifically, no such parking area may be used for the sale, repair, dismantling or servicing of any vehicles, or for the sale, display or storage of equipment, goods, materials or supplies.
- (2) Parking spaces provided to meet the requirements of this Article shall not be used to meet the parking requirements of any other use, except as provided for shared parking, below.
- (3) Parking spaces provided to meet the minimum requirements of this Article shall not be reduced in number nor otherwise lose their functional ability to serve the land use for which they were required.
- (4) Categories of Land Uses not identified in Table 6.1 shall provide spaces sufficient to meet the average peak period demand rate identified in the most current version of the Institute of Transportation Engineers Parking Generation Manual or the most current version of the Urban Land Institute Shared Parking Manual.

Table 6.1: Maximum Outdoor Parking Spaces Allowed by Use

Use	Maximum Number of Outdoor Parking Spaces	Allowed for each:
a. RESIDENTIAL & LODGING		
1. Single-Family Detached Residence	4.0	Dwelling Unit (adequately paved area to provide off-street parking for a minimum of four (4) vehicles or there shall be a garage of not less than two (2) vehicle capacity for all new construction with two (2) additional paved off-street parking areas)
2. Single-Family Attached: Duplex	2.0	Dwelling Unit
3. Single-Family Attached: Townhome	2.0	Dwelling Unit
4. Multi-Family Residences	2.0	Dwelling Unit
5. Fraternity & Sorority Houses	1.0	3 residents or beds
6. Rooming/Boarding House	1.0	2 residents or beds
7. Nursing Care Facility	1.5	2 residents or beds
8. Retirement Community	1.0	Dwelling Unit
9. Personal Care Home	1.0	2 residents or beds
10. Bed and Breakfast Inn	1.0	Guest room, plus 2 spaces
11. Convention Hotel	1.5	Guest room
12. Nonconvention Hotel	1.2	Guest room
13. Motel w/Restaurant/Lounge	1.5	Guest room

14. Motel w/out Rest/Lounge	1.2	Guest room
b. COMMERCIAL		
1. All Retail Sales or Commercial Services Establishments not listed below	5.0	1,000 sf ¹ of gfa ²
2. Accessory Retail	5.0	1,000 sf of gfa
3. Adult Entertainment	10.0	1,000 sf of gfa
4. Amphitheaters	1.0	4 seats
5. Amusement Centers and game parlors	10.0	1,000 sf of gfa
6. Animal Hospital	4.0	1,000 sf of gfa
7. Auto paint and Body Shop	3.0 5.0	Service Bay, plus 1,000 sf of retail space
8. Auto Salvage and Wrecking	2.0	Acre
9. Auto Storage and Wrecker	3.0	1,000 sf of gfa
10. Auto Upholstery Shop	3.0 5.0	Service Bay, plus 1,000 sf of retail space
11. Auto, Truck, Manuf. Home & Utility Structure Sales	2.0 1.0 3.0	1,000 sf of sales area, plus 2,500 sf of outdoor display, plus Service Bay
12. Automotive Repairs	3.0 5.0	Service Bay, plus 1,000 sf of retail space
13. Banks	4.0 3.0	1,000 sf of gfa, plus Walk-up ATM
14. Billiard and Pool Hall	2.0	pool table

15. Bio-Medical Waste	4.0	1,000 sf of gfa
16. Bowling Alley	4.5	Lane
17. Bus Station	3.3	1,000 sf of gfa
18. Car Wash	1.0 5.0	Car wash bay, plus 1,000 gross sf of retail space
19. Community Fair	1.0	2,000 of activity area
20. Day Care Facilities	2.5	1,000 sf of gfa
21. Discount Store	4.0	1,000 sf of gfa
22. Driving Range	1.5 5.0	tee, plus 1,000 sf of gfa (pro shop/club house)
23. Eating & Drinking Establishments ³	As follows:	
(a) Quality Restaurant	16.0	1,000 sf of gfa
(b) Family Restaurant	9.5	1,000 sf of gfa
(c) Fast Food w/drive-in window	14.0	1,000 sf of gfa
(d) Fast Food w/out window	14.0	1,000 sf of gfa
24. Emissions Inspections	1.0	Service bay
25. Exterminators	4.0	1,000 sf of gfa
26. Farm & Garden Supply incl. Farmer's Market	2.0 2.0	1,000 gross sf of gfa, plus acre of outside sales area
27. Flea Market	1.0	2,000 of sales area
28. Fuel & Ice Dealer	2.0	1,000 sf of gfa

29. Full Svc Gas Station	3.0 5.0	Service Bay, plus 1,000 sf of retail space
30. Funeral Home	35.0	Viewing Room
31. Furniture Repair	4.0	1,000 sf of gfa
32. Furniture/Carpet Store	1.5	1,000 sf of gfa
33. Golf Course	5.0 5.0	hole, plus 1,000 sf of gfa (pro shop/club house)
34. Greenhouse, Nursery	2.0 2.0	1,000 gross sf of gfa, plus acre of outside sales area
35. Hardware/Paint/Home Imp	4.0	1,000 sf of gfa
36. Heavy Vehicle Repair	3.0 5.0	Service Bay, plus 1,000 sf of retail space
37. Kennels	4.0	1,000 sf of gfa excluding animal pens
38. Medical/Dental Labs	3.0	1,000 sf of gfa
39. Movie Theater	1.0	4 Seats
40. Newspaper Publishing	4.0	1,000 sf of gfa
41. Nightclub	9.5	1,000 sf of gfa
42. Non-profit Riding Stable	1.5	Stable stall
43. Offices - General	4.0	1,000 sf of gfa
44. Offices - Medical & Dental	5.0	1,000 sf of gfa
45. Produce Stand	3.0	stand
46. Radio/TV Station	3.0	1,000 sf of gfa

47. Research & Development	3.0	1,000 sf of gfa
48. Self-Storage	0.5	1,000 sf gfa
49. Service Stations, Gas Stations, Auto Repair Shop or Garage	3.0 5.0	Service Bay, plus 1,000 sf of retail space
50. Shopping Center	As follows:	
(a) Less than 100,000 square feet of gla ⁴	4.0 3.0 10.0	1,000 sf of total gla, plus 100 seats in a movie theater, plus 1,000 sf of food service area
(b) 100,000 to 199,999 of gla	4.0 3.0 6.0	1,000 sf of total gla, plus 100 seats above the initial 450 seats in a movie theater, plus 1,000 sf of food service area
(c) 200,000 to 399,999 of gla	4.0 3.0	1,000 sf of total gla, plus 100 seats above the initial 750 seats in a movie theater
(d) 400,000 to 599,999 of gla	4.5 3.0	1,000 sf of total gla, plus 100 seats above the initial 750 seats in a movie theater
(e) 600,000 or more of gla	5.0 3.0	1,000 sf of total gla, plus 100 seats above the initial 750 seats in a movie theater
51. Sports Club/Health Spa	4.5	1,000 sf of gfa
52. Supermarket	4.0	1,000 sf of gfa
53. Vending Machine Sales and Service	2.0	1,000 sf of gfa
54. Wholesale Sales—with customers	3.0	1,000 sf of gfa

55. Wholesale Trade/Dist.— without customers	2.0	1,000 sf gfa
c. INDUSTRIAL - INCLUDING STORAGE, WHOLESALE AND MANUFACTURING		
1. Asphalt Plant	1.0	Acre of developed site
2. Brick or lumber yard or similar area	2.0 1.0	1,000 sf of sales area, plus 2,500 sf of outdoor display
3. Chemical Plant or Storage	2.0	1,000 sf of gfa
4. Composting Plant	2.0	1,000 sf of gfa
5. Concrete Plant	1.0	Acre of developed site
6. Contractor with equipment or storage	3.0 1.0	1,000 sf gfa, plus 2,500 sf of outdoor display
7. Contractor's office (no equipment or storage)	3.0	1,000 sf gfa
8. Dairy	2.0	1,000 sf of gfa
9. Dry Cleaning Plant	2.0	1,000 sf of gfa
10. Freight Terminal	1.0	2,000 sf of gfa
11. Machine Shop	2.5	1,000 sf of gfa
12. Manufacturing operations - multi-shift	3.0	1,000 sf of gfa
13. Manufacturing operations - single shift	2.0	1,000 sf of gfa
14. Open storage of sand, gravel & petroleum	1.0	Acre of developed site
15. Recycling Center	1.0	1,000 sf of developed site area

16. Tire Retreading and Recapping	2.5	1,000 sf of gfa
17. Trans. Equip. Storage/Maint.	1.0	1,000 sf of gfa
18. Truck Terminal	1.0	1,000 sf of gfa
19. Utility Facility	0.5	1,000 sf of gfa
20. Single Side Docked Warehouse & bulk enclosed storage	1.0	2,500 sf of gfa
21. Single Side Docked Warehouse with commercial sales	5.0 plus 1.0	1,000 sf sales or office, plus 2,500 sf storage area
22. Warehouse facility for data storage	1.0	Per employee for the largest shift
23. Full Cross-Docked Warehouse & bulk enclosed storage	1.0	5,000 sf of gfa
d. INSTITUTIONAL AND OTHER		
1. Auditoriums, churches, theatres, stadiums, and other places of assembly	1.0 1.0 1.0	3 Seats, or 12 feet of pew, or 30 sf in largest assembly room
2. Cemetery, crematory or mausoleum	3.0 1.0 1.0	1,000 sf of office space, plus per 3 seats, plus acre of site area
3. Civic Clubs, Museums, Fraternal Lodges, Special Events Venues, etc.	4.0	1,000 sf of area for occupancy by the public or patrons/participants

4. Community Center (private – such as a community club house for a residential subdivision)	3.0	1,000 sf of gfa
5. Cultural Facilities	2.5	1,000 sf of gfa
6. Hospitals	1.8	Bed
7. Private Park	1.0	3,000 sf of site area
8. Private Schools	As follows:	
(a) Pre-school or Kindergarten	2.5	1,000 sf of gfa
(b) Elementary & Middle Schools	2.0	Classroom
(c) Senior High Schools	6.0	Classroom
(d) General and Special Ed.	6.0	Classroom
(e) Technical College	20.0	Classroom
(f) Colleges	10.0	Classroom
9. Recreation Grounds (sports center)	6.0 1.0	1,000 sf of active sports area, plus acre of total site
10. Shelter (homeless)	1.0	3 residents or beds

¹ SF = square feet.

² Gross floor area (gfa)-the total area of all floors, measured between the exterior walls of a building.

³ See Glossary for definitions.

⁴ Gross leasable area (gla)-the total area of all floors intended for occupancy and the exclusive use of tenants, specifically excluding public or common areas such as utility rooms, stairwells, enclosed malls and interior hallways.

604 (e) Handicap accessible parking spaces.

- (1) Handicapped spaces are to be provided as required by the federal Americans with Disabilities Act for all multi-family and nonresidential uses. Handicap accessible spaces shall be provided in each parking lot in relation to the total number of spaces otherwise provided for the use as shown on Table 6.2.

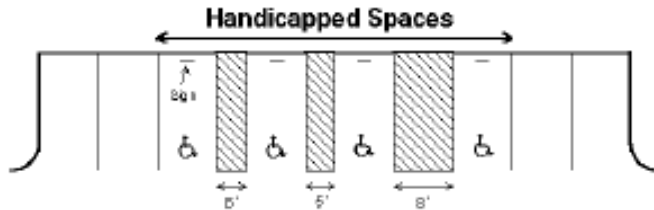
Table 6.2: Handicap Accessible Spaces Required

Total Spaces Provided for Use	Minimum Number of Handicap Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20, plus 1 for each 100 over 1,000

Source: Americans with Disabilities Act Accessibility Guidelines.

- (2) Handicap accessible parking spaces shall be counted as part of the total number of parking spaces required under this Article.

- (3) Handicap accessible parking spaces shall have an adjacent aisle 5 feet wide, and one in every 8 handicapped spaces shall be adjacent to an aisle 8 feet wide and the space shall be signed "van accessible." Handicapped parking space aisles shall be clearly demarcated by lines painted on or otherwise applied to the parking lot surface.



- (4) Handicap accessible parking spaces shall be located on a surface with a slope not exceeding 1 vertical foot in 50 horizontal feet (1:50).
- (5) Wheelchair ramps shall be provided in accordance with County specifications at locations appropriate to normal travel routes from the parking lot to the principal use.
- (6) In addition to the requirements of this subsection, all handicapped parking shall comply with the requirements of the federal Americans with Disabilities Act and the Georgia Accessibility Code.

Sec. 605 - Shared parking.

The parking spaces provided for separate uses may be combined in one parking lot, but the required spaces assigned to each use may not be assigned to another use, except as follows:

605 (a) Shared parking between day and night users.

One-half of the parking spaces assigned to a church, theater or assembly hall whose peak attendance will be at night or on Sundays may be assigned to a use that will be closed at night or on Sundays.

605 (b) Mixed use developments.

- (1) Parking spaces may be shared by more than one use if the Development Services Director finds that the total number of spaces will be adequate at the peak hours of the uses they serve. The ratios shown on Table 6.3 may be used in determining the time of day and the day of the week at which the maximum number of spaces will be needed by the uses served by the shared parking facility.

Table 6.3: Percentage of Parking Spaces Demanded by Time Period

	Weekdays		Weekends		Nighttime
	6 am to 5 pm	5 pm to 1 am	6 am to 5 pm	5 pm to 1 am	1 am to 6 am
Office	100%	10%	10%	5%	5%

Retail	60%	90%	100%	70%	5%
Hotel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Entertainment/Recreation	40%	100%	80%	100%	10%
Church	10%	25%	100%	100%	10%

- (4) The example presented below illustrates shared parking calculations for a particular mixed-use development.

Example:
Spaces needed for uses in a mixed-use project, calculated individually:

	Factor	for	Maximum	80%
Office	4/1,000	100,000 sf	400	320
Retail	5/1,000	100,000 sf	500	400
Hotel w/Restaurant	1.5/room	100 rooms	150	120
Family Restaurant	9.5/1,000	20,000 sf	190	152
Entertainment	1/4 seats	200 seats	50	40
Church	1/3 seats	300 seats	100	80
TOTAL if figured separately			1,390	1,112

Spaces required applying the Peak Demand Percentages to the example:

	Weekdays		Weekends		Nighttime
	6am-5pm	5pm-1am	6am-5pm	5pm-1am	1am-6am
Office	320	32	32	16	16
Retail	240	360	400	280	20
Hotel w/Restaurant	90	120	90	120	90
Family Restaurant	76	152	152	152	15
Theater	16	40	32	40	4
Church	40	40	80	80	8
TOTAL if Shared	782	744	786	688	153

Highest demand = 786 (instead of 1,112)

605 (c) Availability of shared spaces.

Parking spaces that are proposed to be shared among two or more uses must be clearly available to all uses collectively and not appear in any way to be serving a particular use, either through signage dedicating the spaces or through design techniques that would tend to orient use of the spaces to a particular business or building.

605 (d) Recordation of shared parking agreement.

Shared parking arrangements must be committed to writing in an instrument acceptable to the Development Services Director, and approved by the owners of each of the affected properties or uses. The instrument must be approved by the Development Services Director and shall be recorded with the Clerk of the Superior Court, and a copy of the recorded document must be supplied to the Development Services Director. The document must be written to survive future changes in ownership in perpetuity, unless the agreement is dissolved with approval by the Board of Commissioners.

Sec. 606 - Proximity of off-street parking spaces to use.

606 (a) Location of parking spaces.

All parking spaces required to meet the minimum standards of this Article shall be located in proximity to the use that the spaces serve, as shown on Table 6.4.

Table 6.4: Location of Parking Spaces

Use	Parking Location
Single-Family or Two-Family Residence (including Manufactured Homes)	On the same lot occupied by the residence.
Townhouse Development	Each required parking space must be within 150 feet of an entrance to the dwelling unit that it serves, as measured along the most direct pedestrian route.
Other Multi-Family Developments (such as apartments) and congregate care facilities (such as a nursing homes)	Each required parking space must be within 250 feet of an entrance to the building that it serves, as measured along the most direct pedestrian route.
Church, Hotel or Motel, Hospital	Each required parking space must be within 300 feet of an entrance to the building that it serves, as measured along the most direct pedestrian route.
Retail Sales Establishment or Office Building, other than a Shopping Center	Each required parking space must be within 300 feet of an entrance to the building or use that it serves, as measured along the most direct pedestrian route.
Shopping Center or Industrial Use.	Each required parking space must be within 400 feet of an entrance to the building or use that it serves, as measured along the most direct pedestrian route.

Any other use not specified above.	Each required parking space must be within 200 feet of an entrance to the building that it serves, as measured along the most direct pedestrian route.

606 (b) Off-site parking.

If required parking spaces are not located on the same lot as the particular use, building or establishment they are intended to serve, the following shall apply:

- (1) The parking spaces must be located on a property that has the same zoning classification as the property that the spaces serve, or a less restrictive zoning classification.
- (2) No required parking spaces may be located across any State or US highway from the use they are intended to serve.
- (3) An easement (or other recordable instrument satisfactory to the Engineering Department Director) dedicating the off-site parking to the property that the spaces serve shall be recorded with the Clerk of the Superior Court and a copy provided to the Development Services Director. The document must be written to survive future changes in ownership in perpetuity, unless the agreement is dissolved with approval by the Board of Commissioners.
- (4) Off-site parking spaces shall be located in proximity to the use that the spaces serve, in accordance with the locational requirements of Table 6-4, or transportation services acceptable to the Development Services Director shall be provided that adequately serve the peak hour ridership demand of the use that the spaces serve.

Sec. 607 - Design requirements for parking lots and driveways.

The provisions of this Section apply to all off-street parking spaces and parking areas, whether 1) the parking is provided to serve a particular development or 2) the parking lot is operated as a principal use on a property and not dedicated to serving a particular development.

607 (a) Orientation to street.

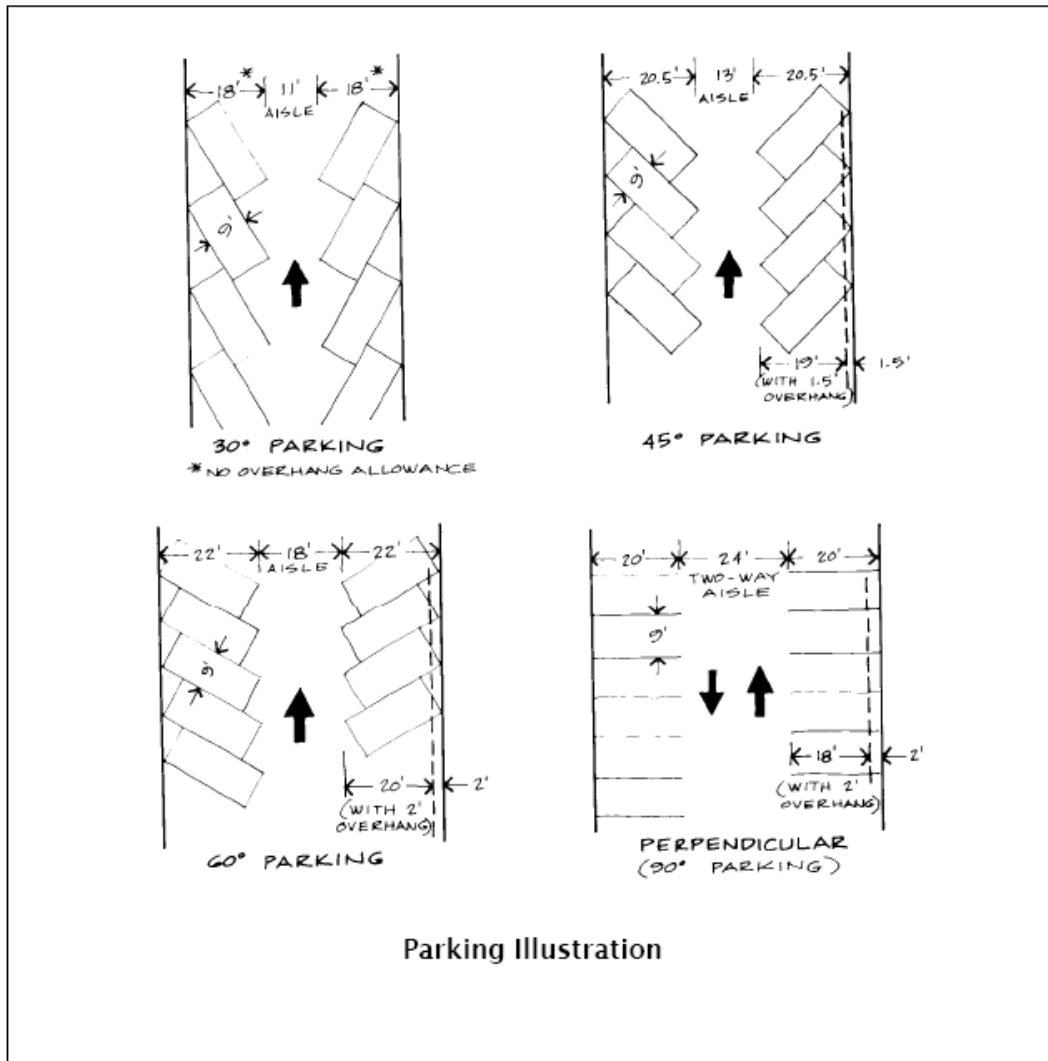
All off-street automobile parking spaces and drives (except those on single-family dwelling lots in RA, R-LD and R-MD zones which do not feed into a major or minor thoroughfare as designated by the Douglas County Thoroughfare Plan), shall be so arranged so that vehicles can easily turn around on the space and/or drives and not have to back into the street upon leaving.

607 (b) Off-street parking lots for automobiles.

The provisions of this Subsection apply only to parking lots provided for residents, employees, customers and visitors under the requirements of Section 604 (a). Parking lots for company-owned vehicles, such as car sales lots, fleet parking and rental car storage lots, may be designed to the specifications of the business or property owner.

- (1) Automobile parking spaces.
 - a. Every automobile parking space shall provide a useable rectangular area at least 9 feet wide by 20 feet long. Access aisles shall not encroach into this minimum rectangular area.
 - b. Every parking space shall be clearly marked by lines painted on or otherwise applied to the parking lot surface.
- (2) Layout and circulation.
 - a. No automobile parking spaces shall be accessible directly from an access driveway within the first 30 feet of the driveway back from the street right-of-way line except as provided for in the Section covering mail kiosk facilities.
 - b. Aisles serving off-street automobile parking spaces shall be no fewer than 24 feet in width, except that aisles designed for one-way circulation systems shall be no fewer than 11 feet in width for 1 to 30 degree parking, 13 feet in width for 31 to 45 degree parking, 18 feet in width for 46 to 60 degree parking and 22 feet in width for 61 to 90 degree parking.
 - c. One-way traffic aisles must be clearly marked with directional arrows on the pavement at each intersection with another aisle.
- (3) Location of automobile parking lots.

Automobile parking areas are encouraged to be located in the side and rear yards of buildings. Required front yard setbacks may be waived or modified as a special exception variance if required parking areas are located in the side or rear yard area. See the Appeals Article of this Code for procedures.



607 (c) Off-street truck parking areas.

Parking areas for trucks and tractor-trailers should be located only to the rear or non-street side of the buildings and not adjacent to any interstate highway, major arterial, or minor arterial. However, if there is no other location available, the Development Services Director may permit an alternate location and may impose special screening requirements based on the unique characteristics of the site.

607 (d) Driveway access.

- (1) Ingress and egress to parking areas shall be by means of driveways from the adjoining street.
 - a. The minimum width of driveways for ingress and egress shall be the same as those specified above for aisles. Driveway width, for the purpose of this section, shall include only the pavement and not the curbs and gutters.
 - b. Driveway widths at the right-of-way line cannot exceed 10 feet for a single-family or two-family dwelling (unless the face of a two-car garage accessed by the driveway is less than 30 feet from the right-of-way line), or 40 feet for all other uses or instances.

- c. The slope of ingress and egress driveways at their connection to the adjoining street shall not exceed that allowed by County specifications for landings at residential street intersections, or as may be prescribed by the Douglas County Fire Marshal under the approved Douglas County Fire Protection Codes.
- (2) Driveway separations.
- a. The distance from a parking area access drive to the intersection of two streets shall not be less than 20 feet for a single-family or two-family dwelling and not less than 50 feet for all other uses.
 - b. The distance between driveways along a street right-of-way shall not be less than 10 feet for a single-family or two-family dwelling and not less than 40 feet for all other uses.
 - c. Distances must be measured along the street right-of-way line from the back of the driveway curb.
- (3) The number of driveways that access a property from any one street, road or highway shall be limited as follows:
- a. Along State or U.S. numbered highways, and along all other thoroughfares designated as "arterials" in the Douglas County Thoroughfare Plan, no more than 1 point of vehicular access from a property shall be permitted for each 300 feet of lot frontage. For such lots having less than 300 feet of frontage, one point of access shall be allowed. The number and location of access points along a State or U.S. numbered highway may be further restricted by the Georgia Department of Transportation.
 - b. Along all other streets or roads, no more than 1 point of vehicular access from a property to each abutting public road shall be permitted for each 200 feet of lot frontage; provided however, that lots with less than 200 feet of frontage shall have no more than one point of access to any one public street. The Department of Transportation Director shall determine whether the points of access may be unrestricted or must be designed for right-in, right-out traffic flow.
- (4) Vision clearance.

With the exception of sign posts and other structures less than 8 inches in diameter, structures and landscaping shall not exceed 3 feet in height within a triangle measuring 20 feet along the edge of a driveway and 20 feet along the street right-of-way line. A larger vision clearance area, depending on street classification, may be required under the Project Design and Construction Standards Article of this Development Code.

607 (e) Setback requirements.

- (1) Unenclosed off-street parking for single-family and two-family dwellings shall not be located within the minimum front yard setback except on a paved driveway, nor between the minimum front yard setback and the front of the principal building except on a paved driveway or in a carport or garage.
- (2) Off-street parking for all other uses, including multi-family residential, commercial, industrial, and institutional uses, shall be set back from the front property line by at least 15 feet. An additional 5 foot setback from any zoning buffer required along a side or rear property line shall also be maintained.

- (3) The required setback area between the front property line and the parking area shall be used for landscaping and/or screening as required in the Landscaping provisions of this Article, below, and the Landscaping, Buffers and Tree Conservation Article of this Code.

Sec. 608 - Inter-parcel access.

Inter-parcel access shall be required as follows:

608 (a) Internal access easements required.

For any office or retail sales or services use, the property owner shall grant an access easement as described in this Subsection to each adjoining property that is zoned or used for an office or retail sales or services use. The purpose of the easement is to facilitate movement of customers from business to business without generating additional turning movements on the public street, thus increasing public safety.

608 (b) Access easement provisions.

The internal access easement shall permit automobile access from the adjoining property to driveways and parking areas intended for employee, customer or visitor use on each property; but parking spaces may be restricted to use by each owner's employees, customers and visitors only.

- (1) Inter-parcel vehicle access shall be required between contiguous properties only when the parking areas are or will be in reasonable proximity to one another.
- (2) All internal access easements shall be no less than 28 feet in width and shall be improved to a minimum paved width of 24 feet in order to accommodate two-way vehicular traffic to and from the adjoining properties.
- (3) The granting of an internal access easement on a property shall be effective only upon the granting of a reciprocal easement by the adjoining property owner.
- (4) Upon the availability of access to driveways and parking areas of the adjoining lot, the pavement or other surfacing of each owner's driveways and parking areas shall be extended by each owner to the point of access on the property line.

608 (c) Relief.

Where the proposed land use is such that adverse impact of the required easement on use of the property would outweigh the reduced impact on the public street provided by the reciprocal easements, the Development Services Director may waive the requirement for the access easements, in whole or in part, as a special exception variance.

Sec. 609 - Improvement of parking and areas.

609 (a) Surfacing and curbing; permanent lots.

- (1) The parking of any vehicle on any property on other than a surface treated and hardened to accommodate such vehicle is prohibited except that driveways and parking spaces on any lot occupied by a single-family dwelling in the AG, R-A or R-LD districts need not be paved.

- (2) Except in the AG, R-A and R-LD districts, all off-street parking areas and all access drives for single-family and two-family dwellings shall be improved with a concrete surface at least 4 inches thick and no less than 8 feet wide.
- (3) All off-street parking areas and all access drives for uses other than single-family and two-family dwellings shall be improved with a permanent load-bearing surface consisting of one or more of the following:
 - a. Pavement consisting of a minimum of a 6-inch graded aggregate base overlaid with a 2-inch Type E or F asphalt surface.
 - b. Pavement consisting of a minimum 6-inch graded aggregate base, overlaid with a 6-inch course of 3,000 P.S.I. concrete.
 - c. Porous asphalt or concrete pavement installed to the manufacturer's specifications on a 95% compacted subbase.
 - d. Pervious paving materials installed to the manufacturer's specifications on a 95% compacted subbase.
- (4) Curb and gutter meeting County specifications for public streets shall be installed around the periphery of every paved parking lot and loading area, and extend along both sides of every access drive between the paved parking lot or loading area and the street or another parking lot or loading area, as applicable.

609 (b) Landscaping

- (1) Any parking lot designed or intended to accommodate 5 cars or more for residents, employees, customers or visitors under Section 604 (a) is required to provide landscape islands or strips and to provide shade trees within or adjacent to the parking lot in a number and configuration as prescribed in the Landscaping, buffers and Tree Conservation Article of the Development Code.
- (2) Any parking lot designed or intended to accommodate 5 cars or more for any purpose, or to accommodate the parking of any number of trucks or vans, which is visible from a street right-of-way, must provide a landscaped visual screen of the parking lot. See the Landscaping, Buffers and Tree Conservation Article of this Development Code for specific requirements.

609 (c) Temporary parking lots.

Temporary parking lots may be approved for clearly temporary purposes for up to two years. Such lots shall have paved driveway aprons from the street to the right-of-way line, but may have a rolled and compacted gravel surface and need not be landscaped. At the end of the two-year period, the temporary lot must be removed from the property or replaced with a permanent parking lot meeting the requirements of this Section for surfacing, curbing and landscaping of permanent parking lots.

609 (d) Maintenance.

Off-street parking areas shall be maintained in proper repair with a dust-free surface.

609 (e) Permit required.

- (1) Parking lot construction.

Construction of a new parking lot or loading area, or expansion of an existing parking lot or loading area, requires issuance of a development permit in accordance with the Procedures and Permits Article of this Ordinance.

(2) Drainage facilities.

For any use that will require a parking area of 5 spaces or more, or a loading area, to be newly constructed, added to, or altered in such a way as to affect drainage either on or off the site, storm water drainage plans, including grading plans, shall be submitted to and approved by the Engineering Department Director, prior to the issuance of a development permit.

609 (f) Time limit.

All required off-street parking areas shall be ready for use, including the above surfacing requirement, before occupancy of the property (in the case of a new building or addition) or within 45 days after the issuance of a Certificate of Occupancy (in the case of a change of occupancy in an existing building). An extension of time may be granted by the Engineering Department Director due to adverse weather conditions if the base and binder course have been installed.

Sec. 610 - Prohibited Parking

610 (a) Parking prohibitions for trucks.

The following parking prohibitions apply to heavy trucks, as defined in this Code:

- (1) In the AG and R-A Districts, no person shall be allowed to park any commercial heavy truck, truck tractor, truck body, or semi-trailer over 24 feet in length, except that one truck tractor cab may be parked on three acres or more of land, provided it is parked either within an accessory garage structure or in the rear yard behind a single-family dwelling and at least one hundred feet from any property line. Farm equipment on property zoned AG, Agricultural or RA, Residential Agricultural is exempt from these restrictions.
- (2) In the R-LD, R-MD, R-HD and R-MH districts, no person shall be allowed to park any commercial heavy truck, truck tractor, truck body, or semi-trailer over 24 feet in length except for loading purposes. No semi-trailer, truck body, or truck tractor cab shall be parked or stored unless otherwise authorized by this Code.
- (3) In all non-residential zoning districts except C-H with Special Use Permit approval and L-I, LI-R and H-I, no person shall be allowed to park any commercial heavy truck, truck tractor, truck body or semi-trailer as defined in Article 15 of this Code over 24' in length except for loading purposes. No semi-trailer, truck body or truck tractor cab as defined in Article 15 of this Code shall be parked or stored unless otherwise authorized by this Code.

610 (b) Parking prohibitions for boats and recreational vehicles.

Except on a property occupied by a business offering boats or recreation vehicles for sale or lease, boats and recreation vehicles shall be located only in a side or rear yard of a property.

610 (c) Parking prohibitions for automobiles.

- (1) For non-emergency situations, no automobiles for over twenty-four (24) hours, and no school buses, vehicles over six (6) wheels, commercial vehicles, trailers, and other nonmotorized vehicle

accessories for any length of time are allowed to be parked within the public right-of-way. While no automobile shall be parked in any roadway and/or right-of-way located within Douglas County for a period exceeding twenty-four (24) hours, at the discretion of the Director of Development Services or his/her designee, if an automobile is required to park in a roadway and/or right-of-way within Douglas County, it shall not cause an unsafe condition for vehicles in the travel lane. Local deliveries are exempted from this requirement, as long as the delivery vehicle is actively engaged in loading or unloading of goods for the adjoining property address.

- (2) No vehicle may be parked within a Douglas County Park & Ride lot for a period exceeding forty eight (48) hours.
- (3) No vehicles over six (6) wheels are allowed to be parked within any park-and-ride lot maintained by the county.

DIVISION II. - TRUCK LOADING.

Sec. 611 - Off-street truck loading; where required.

Any business or industrial building, hospital, institution, or hotel, in any zoning district, shall provide adequate off-street facilities for the loading and unloading of business merchandise, supplies, goods or freight within or adjacent to the building as deemed appropriate by the owner or occupants of the property. Such loading facilities, if provided, shall not obstruct freedom of vehicular traffic or pedestrian movement on the public streets and sidewalks.

Sec. 612 - Truck loading on public streets.

The loading or unloading of business merchandise, supplies, goods or freight within a street right-of-way is prohibited in all zoning districts. Loading or unloading of furniture, equipment, or fixtures for the purpose of a home or business relocation may be allowed within a street right-of-way if:

- (1) The street is classified as a "local" street as defined in this Ordinance; and,
- (2) Vehicular and pedestrian access is not completely blocked on the street; or,
- (3) The Development Services Director otherwise grants approval based on a determination that adequate traffic safety measures will be implemented during the period of loading or unloading.

Sec. 613 - Location and improvement requirements for truck loading areas.

613 (a) Location of truck loading areas.

In all zoning districts, the following provisions shall apply:

- (1) Loading and unloading areas shall be in the rear or non-street side yard. No truck loading areas may be located in any yard adjacent to any interstate highway, major arterial, or minor arterial. However, if there is no other location available, the truck loading area shall be at least 150 feet from any street right-of-way (or 170 feet from the street center line, whichever is greater) and shall provide effective screening from the street as approved by the Development Services Director.

- (2) Loading shall be done into or from those doors, loading docks or other parts of the buildings that are at least eighty feet from any street or into or from approved outside storage areas.

613 (b) Improvement of truck loading areas.

- (1) In the LI, LI-R and HI industrial zoning districts, Section 609 (a)(3) sets out the surface requirements for customer, visitor, and employee automobile parking. Those requirements do not apply to truck loading or parking areas.
- (2) Curb and gutter meeting County specifications for public streets shall be installed around the periphery of every paved truck parking lot and loading area, and extend along both sides of every access drive between the paved parking lot or loading area and the street or another parking lot or loading area, as applicable.

Article 7. - Sign Regulations

Sec. 701 - Purpose and intent of Article 7.

This Article provides for the types of signs that may be placed on a property, and regulates such characteristics as their size, number, and placement.

701 (a) Purpose of sign regulation.

- (1) Regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities in the County without difficulty and confusion, to improve the general attractiveness of the County, to take advantage of the beauty of the County's natural environment, and to protect property values therein. Such regulation is also necessary to facilitate and aid in the identification and location of businesses in the County in the event of police, fire, or other emergencies and to avoid confusion and delay in response to such emergencies. Accordingly, it is the intention of the County to establish regulations governing the display of signs that will:
 - a. Promote and protect the public health, safety, morals and general welfare.
 - b. Provide for the expression of speech by citizens and businesses in the County.
 - c. Enhance the economy of the County and the success of business and industry by promoting the reasonable, orderly, and effective display of signs.
 - d. Restrict signs and lights that increase clutter or which increase the probability of traffic accidents by obstructing or confusing the vision of drivers, bicyclists, or pedestrians.
 - e. Promote signs that are aesthetically compatible with their surroundings.
 - f. Insure proper maintenance for safety and structural soundness, as well as the appearance and functionality of signs.
- (2) The purpose of this Article, therefore, is to support the economic vitality of the County through adequate identification of occupants, services, and events; to safeguard life through traffic safety; to protect the use of property, property values, and the public welfare; and to afford adequate opportunity for self-expression through free speech. These purposes are realized by regulating and controlling the number, location, size, sign type, and type of illumination of signs and sign structures so that all persons have ample opportunity to be equally heard and the public health, safety, morals and general welfare are adequately secured.
- (3) The regulations of this Article shall be in addition to any required provision of state law, applicable building codes and other ordinances of the County. In the event of conflict between the provisions of this Article and other laws or ordinances, the most restrictive provision shall prevail and be the controlling.

701 (b) Regulation of signs.

No sign shall be placed or maintained on any property, building or other structure within Douglas County except in conformity with these Sign Regulations.

701 (c) Intent of sign regulations.

Notwithstanding any other restrictions in this Article, any sign authorized under this Article can contain any message, other than messages containing nudity or obscenity as defined herein, or other than a sign that advertises an activity that is illegal under Georgia or federal laws.

Sec. 702 - Definitions of land use categories.

Land use categories referred to in this Code have the following meanings. The use in this Article of the term "property" relative to a land use category includes both developed and undeveloped properties, while the term "use" means a property that is developed, occupied or otherwise in operation under the land use category.

Agricultural: A property zoned AG or RA and used primarily for the cultivation of crops, dairying or the raising of livestock, or a vacant property zoned for such purpose.

Single- and Two-Family Residential: A property zoned R-LD or R-MD and occupied primarily by one or more single-family dwellings or duplex dwellings, or a family personal care home, or a vacant property zoned for such purpose. A property zoned Planned Unit Development (PUD) with a base residential zoning classification shall meet the standards of this Code. If a PUD includes a mix of uses, the sign standards shall be described in the Overall Regulating Plan, or if no specifications are included, the Director shall determine the use that will conform with the land use definitions herein.

Multi-Family Residential: A property zoned R-HD and occupied primarily by one or more residential buildings containing three or more dwelling units, a nursing or residential care facility (other than a family personal care home), or a mobile home park, or a vacant property zoned for such purposes.

Heavy Commercial: A property zoned C-G, C-H, OI, or PSP and occupied by one or more business establishments that are primarily engaged in the sale of goods; the provision of personal, professional, business, entertainment or other commercial services; the management of a business enterprise; the provision of temporary housing to the traveling public (such as a motel); or any other allowed use; or a vacant property zoned C-G, C-H, OI or PSP. A property zoned Planned Unit Development (PUD) with a base commercial zoning classification shall meet the standards of this Code. If a PUD includes a mix of uses, the sign standards shall be described in the Overall Regulating Plan, or if no specifications are included, the Director shall determine the use that will conform with the land use definitions herein.

Industrial: A property zoned LI, LI-R, or HI and occupied by one or more business establishment that are primarily engaged in the fabrication, manufacture or production of durable or nondurable goods, or a vacant property zoned for such purpose. A property zoned Planned Unit Development (PUD) with a base industrial zoning classification, shall meet the standards of this Code. If a PUD includes a mix of uses, the sign standards shall be described in the Overall Regulating Plan, or if no specifications are included, the Director shall determine the use that will conform with the land use definitions herein.

Institutional: Any property occupied by a non-profit religious, recreational or philanthropic organization, club or institution. If a PUD includes a mix of uses, the sign standards shall be described in the Overall Regulating Plan, or if no specifications are included, the Director shall determine the use that will conform with the land use definitions herein.

Sec. 703 - Definitions related to sign regulations.

The following words and phrases have specific meanings as used and depicted in this Article:

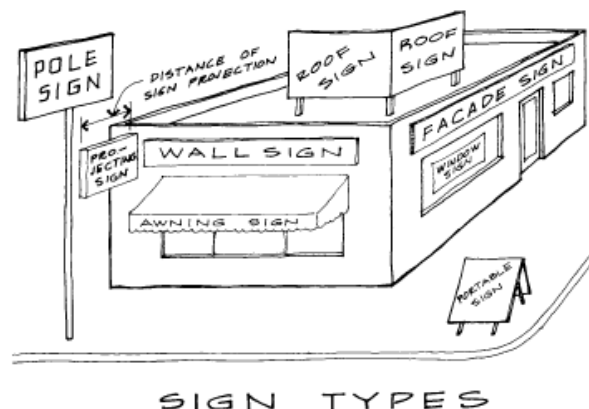
Awning: A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway, or window from the elements. Awnings are often made of fabric or flexible plastic supported by a rigid frame, and may be retracted into the face of the building.

Awning Sign: See "Building Sign."

Banner: A sign other than an official flag, made of paper, cloth, thin plastic, or similar lightweight and pliable material, and usually containing a message or logo.

Building Sign: A sign that in any manner is fastened to, projects from, or is placed or painted upon the exterior wall, window, door, or roof of a building. The term "building sign" includes but is not limited to the following:

- (1) **Awning Sign:** A sign imposed, mounted or painted upon an awning.
- (2) **Canopy Sign:** A sign affixed to, imposed upon, or painted on any canopy, such that the sign is mounted in such a manner that a continuous face with the canopy is formed.
- (3) **Mansard Sign:** A sign imposed, mounted or painted upon a mansard and not extending above the top of the mansard.
- (4) **Marquee Sign:** Any sign attached flat against the marquee or permanent sidewalk canopy of a building and not extending above the top of the marquee.
- (5) **Parapet Sign:** A sign imposed, mounted or painted on a parapet and not extending above the top of the parapet.



- (6) **Projecting Sign:** A sign affixed to a wall and extending more than 18 inches from the surface of such wall, usually perpendicular to the wall surface.
- (7) **Roof Sign:** A sign that is mounted on, applied to, or otherwise structurally supported by the roof of a building.
- (8) **Under-Canopy Sign:** A display attached to the underside of a marquee or canopy and protruding over private sidewalks.
- (9) **Wall (or Fascia) Sign:** A sign that is fastened directly to or is placed or painted directly upon the exterior wall of a building, with the sign face parallel to the wall, and extending from the surface of the wall no more than 18 inches.

- (10) *Window Sign*: A sign that is placed on or behind a windowpane or glass door and intended to be viewed from outside the building.

Canopy: A permanent roof-like structure projecting from a building and open on at least one side for the purpose of shielding a pedestrian walkway from the elements, or a freestanding roof-like structure supported by columns intended to shield a vehicular driveway or service area from the elements.

Changeable Copy Sign:

- (1) *Automatic Changeable Copy Sign*: A sign on which the copy changes automatically on a lamp bank or through mechanical means, e.g., electrical or electronic time and temperature units. Copy shall mean words and numbers.
- (2) *Manual Changeable Copy Sign*: A sign on which copy is changed manually in the field, e.g., reader boards with changeable letters. Copy shall mean words and numbers.

Channeled Letters (internally illuminated letters):

- (1) *Internally Channeled Letters*: Letters or other symbols with recessed surface designed to accommodate incandescent bulbs or luminous tubing.
- (2) *Reverse Channeled Letters*: Letters or other symbols with raised surface designed to be lighted from behind by incandescent bulbs or luminous tubing.

Double-Faced Sign: A sign structure with two sign faces that are parallel (back-to-back) or that form an angle to one another, where each sign face is designed to be seen from a different direction and the two sign faces are separated from each other at their nearest point by no more than three feet.

Festoons: Strings of ribbons, tinsel, small flags, pennants, streamers, pinwheels, or other devices or long narrow strips of fabric, plastic, or other pliable material designed to move in the wind.

Freestanding Sign: A sign permanently attached to the ground and that is wholly independent of any building or other structure. The term "freestanding sign" includes but is not limited to the following:

- (1) *Pole Sign*: A sign that is mounted on a freestanding pole, columns, or similar support such that the bottom of the sign face or lowest sign module is not in contact with the ground.
- (2) *Ground Sign*: A freestanding sign in which the entire bottom of the sign face or structure is in contact with the ground, providing a solid and continuous background for the sign face from the ground to the top of the sign. Also referred to as a "monument sign."

Holiday: An official day of festivity or recreation when the offices of the Douglas County government are closed for business (other than a Saturday or Sunday).

Illuminated Signs:

- (1) *Internally Illuminated Sign*: Any sign that is illuminated by an artificial light source from within the sign structure, usually projected through a transparent or translucent sign face.
- (2) *Externally Illuminated Sign*: Any sign that is partially or completely illuminated at any time by an artificial light source that directly or indirectly illuminates the face of the sign from outside the sign structure.

Incidental Sign: A small sign, emblem, or decal no larger than 2 square feet. Such signs are normally located on doors, windows, and gas pumps, and are generally not readily visible or legible from public rights-of-way.

Internally Illuminated Letters: See "channeled letters."

Mansard: A steeply sloped, roof-like façade architecturally similar to a building wall.

Mansard Sign: See under "Building Sign."

Marquee: A permanent roof-like structure or canopy of rigid materials supported by and extending from the façade of a building.

Marquee Sign: See under "Building Sign."

Minimum front setback: The minimum distance required by the zoning on a property between an adjoining street and the façade of a principal building on the property.

Monument Sign: See "Ground Sign" under "Freestanding Sign."

Multi-Faced Sign: A single sign structure consisting of two sign faces (see "double-faced sign") or three or more sign faces that are separated from each other at their nearest point by no more than three feet. Sign faces on a single sign structure that are separated by more than three feet are treated as separate signs.

Pennant: Any lightweight plastic, fabric or similar material designed to move in the wind; pennants are often suspended from a rope, wire, or string in series. The term "pennant" shall not include a "banner" or an "official or personal flag" as regulated in this Article.

Planned Center: A single office, commercial, or industrial property or contiguous properties, planned, developed and managed as a unit for occupancy by two or more principal businesses that are separately owned and have no corporate relationship, such as a shopping center or office complex.

Principal Freestanding Sign: The main, predominant or largest freestanding sign or signs on a property.

Project Entrance Sign: A permanent freestanding sign located at a discernible entrance into a multi-family development, or into a development containing multiple lots, such as but not limited to a particular residential or commercial subdivision, business center, office park or industrial park.

Projecting Sign: See under "Building Sign."

Roof Sign: See under "Building Sign."

Sign: Any structure, display, vehicle, or device that is used to advertise, identify, direct, or attract attention to a business, institution, organization, person, idea, product, service, event, or location by any means, including words, letters, figures, design characteristics, symbols, logos, fixtures, colors, movement, or illumination.

Sign Face: That portion of the surface of a sign structure where words, letters, figures, symbols, logos, fixtures, colors, or other design elements are or may be located in order to convey the message, idea, or intent for which the sign has been erected or placed. The sign face may be composed of two or more modules on the same surface that are separated or surrounded by open space or by portions of a sign

structure not intended to contain any advertising message or idea and are purely structural or decorative in nature.

Sign Module: Each portion or unit of a sign face that is clearly and physically separable from other such units by virtue of the expression of a complete thought, message, logo, or idea.

Sign Structure: All elements of a freestanding sign, including the sign face, background, or decorative elements related to the presentation or support of the sign's message, and the structural supports.

Temporary Event: An activity having a specific duration or the end of which is related to a specific action, usually lasting for only a few days or months at a time. Temporary events include but are not limited to such activities as:

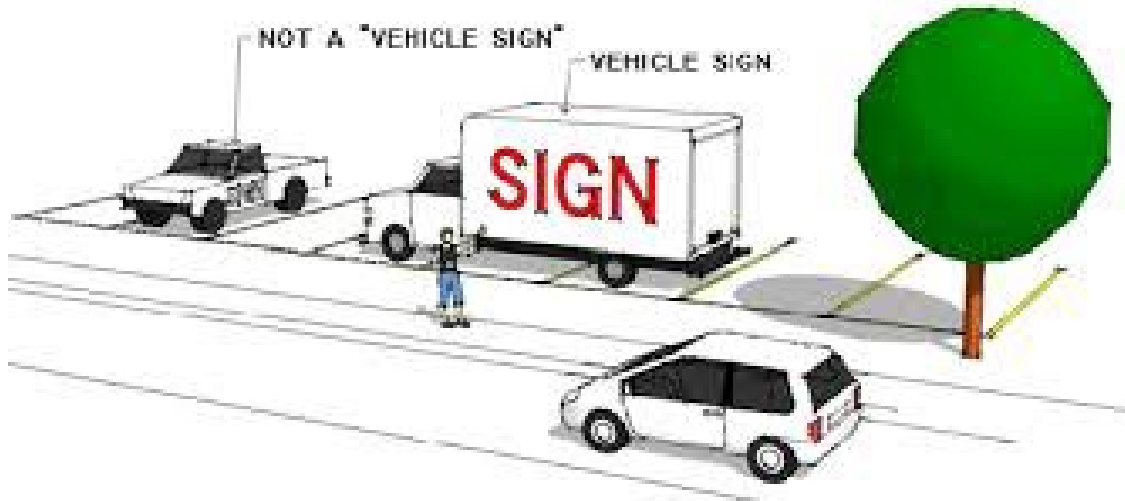
- (1) The offering of a property or premises for sale or rent;
- (2) Special business promotions, such as but not limited to "grand openings," "close-out sales," carnivals and seasonal sales events;
- (3) A yard sale;
- (4) The construction of a building or development project, or the rehabilitation, remodeling, or renovation of a building;

Tenant: A natural person, business or other entity that occupies land or buildings by ownership, under a lease, or through payment of rent; an occupant, inhabitant, or dweller of a place.

Under-canopy sign: See under "Building Sign."

Vehicular Sign: Any sign placed, mounted, painted on or affixed to a motor vehicle, freight, flatbed or storage trailer or other conveyance when same are placed or parked in such a manner as to be viewed or intended to be viewed from the public right(s)-of-way except that this definition shall not apply when:

- (1) Such conveyances are actively being used to transport persons, goods or services in the normal course of business;
- (2) When such conveyances are parked in an inconspicuous area; or
- (3) When such conveyances are actively being used for storage of construction materials for, and on the same lot with a bona fide construction project for which building and other applicable permits have been issued and where construction is underway and provided said conveyances are located within designated storage areas.



- (4) Buses, taxicabs and similar common carrier vehicles are licensed by the County.

Wall Sign: See under "Building Sign."

Window Sign: See under "Building Sign."

Sec. 704 - Exemptions.

The regulations and requirements of this Article apply to all signs that are or are intended to be viewed from a public right-of-way or adjacent property, or that are intended to be viewed from outdoor areas of public property, except as otherwise exempt under this Section.

704 (a) Exemptions; general.

The following are exempt from all restrictions and regulations imposed by this Article:

- (1) Window displays of goods available on a site are not considered to be signs and are exempt from these sign regulations.
- (2) Brand names or logos on products, product containers, or product dispensers (such as but not limited to a soft drink machine or gasoline pump) that are an integral part of the product or the product's packaging are not considered to be signs and are exempt from these sign regulations.
- (3) A building design, color, or motif that is associated with a particular establishment or organization but which conveys no message is not considered to be a sign and is exempt from these sign regulations.

704 (b) Exemptions.

Each of the following types of signs is allowed on any property and are exempt from the restrictions imposed by this Article:

- (1) Property address.

Property addresses (including multi-family building or unit numbers) are not signs when displayed on a building or mailbox, provided that such property address consists of lettering no larger than 8 inches in height on a building or 3 inches on a mailbox.

(2) Holiday decorations.

Holiday decorations and displays erected on a seasonal basis that are not intended to be permanent in nature.

(3) Incidental signs.

Small signs and postings as defined in this Article of no more than 2 square feet, provided that the aggregate of all such signs on a property may not exceed 16 square feet unless a larger aggregate area is required by law or government regulation.

Sec. 705 - Prohibited signs.

The following types of signs are prohibited:

705 (a) Animated and flashing signs.

- (1) Signs (excluding automatic changeable copy signs) that flash, blink, rotate, revolve, or have moving parts or visible bulbs, and signs containing reflective elements that sparkle in the sunlight or otherwise simulate illumination during daylight hours, are not allowed.
- (2) For automatic changeable copy signs, see Sec. 708 (e).

705 (b) Attached and painted signs.

Signs that are painted on or attached to trees, fence posts, utility poles, or rocks or other natural features, are not allowed.

705 (c) Banners.

Banners are not allowed except as provided for temporary signage under Sec. 710 of this Article.

705 (d) Dilapidated signs.

Signs that are dilapidated or in such condition as to create a hazard, nuisance or to be unsafe or fail to comply with any provision of the building code of the County are not allowed.

705 (e) Reserved.

705 (f) Display of nudity.

Signs displaying nudity, as defined by the State of Georgia at O.C.G.A. 32-6-75 (b) (1), are not allowed.

705 (g) Festoons.

Strings of ribbons, tinsel, small flags, pennants, streamers, pinwheels, or other devices or long narrow strips of fabric, plastic, or other pliable material designed to move in the wind, are not allowed except as provided for temporary signage under Sec. 710 of this Article.

705 (h) Inflatable signs.

A sign that is intended to be expanded by air or other gas for its proper display or support is not allowed except as provided for temporary signage under Sec. 710 of this Article.

705 (i) Obscene signs.

Obscene signs, as defined by the State of Georgia at O.C.G.A. 16-12-80 (b), are not allowed.

705 (j) Obstructions.

No sign shall obstruct any fire escape, window, door, or opening usable for fire prevention or suppression, or prevent free passage from one part of a roof to any other part thereof. No sign shall extend above a parapet wall, be affixed to a fire escape, or interfere with any opening required for ventilation.

705 (k) Portable signs.

A sign designed to be transported or easily relocated and not attached to the ground, such as but not limited to the following, is not allowed (except as provided for temporary signage under Sec. 710 of this Article):

- (1) A sign designed to be temporarily placed upon the ground and not otherwise permanently affixed to it as otherwise required by the Building Code;
- (2) A sign mounted on a trailer, with or without wheels; or
- (3) An A-frame, sandwich board, sidewalk or curb sign.

705 (l) Vehicular signs.

Any sign that meets the definition of a "vehicular sign" contained in this Article is prohibited.

705 (m) Private signs placed on public property.

Any sign posted or extending into or erected on utility poles, governmental signs, public rights-of-way or any other public property is not allowed, except those placed by agencies of the federal, state, or local government.

705 (n) Roof signs.

Roof signs, including signs painted or adhered on roofs, are not allowed. This prohibition does not apply to the fascia portion of a mansard roof, or to the face of a parapet wall, provided that the sign must not extend above the top of the mansard roof or parapet wall.

705 (o) Signs advertising illegal activity.

Signs that advertise an activity illegal under Georgia or federal law are not allowed.

705 (p) Signs imitating public warning or traffic devices.

Any sign that displays intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles, and any sign that uses the words "stop," "danger," or other message or content in a manner that might mislead or confuse a driver, is not allowed. Any sign that uses the words, slogans, dimensional shape or size, or colors of governmental traffic signs is not allowed. No red, green, or yellow illuminated sign shall be permitted within 300 feet of any traffic light.

705 (q) Sound or smoke emitting signs.

A sign that emits or utilizes in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing, or a sign that emits smoke, vapor or odors, is not allowed.

705 (r) Reserved.

705 (s) Wetlands.

No sign shall be located within any wetlands, as defined in the codes, ordinances and regulations of Douglas County.

Sec. 706 - General requirements applying to all signs.

706 (a) Conformance to Building Codes.

- (1) In addition to any sign permit required under this Article, a building permit shall be obtained from the Chief Building Official prior to installation or placement of any freestanding sign having a sign face area greater than 15 square feet or any building sign having a sign face area greater than 6 square feet. All signs for which a building permit is required shall be constructed and maintained in conformance with all Building Code and Electrical Code requirements.
- (2) Plans required for issuance of a building permit for a sign shall be certified as to conformance with all structural and wind-load resistive standards of the Building Code by a qualified structural engineer, or be prepared using standard drawings prepared by a structural engineer or other qualified professional meeting or exceeding all requirements of the Building Code.
 - a. All signs regulated by this ordinance shall be constructed of rigid and durable materials, unless otherwise allowed by the Director. The Director may request additional information on certain materials to determine suitability in regard to structural or wind-load resistive standards, but shall nonetheless have the final determination as to whether any specific material is allowable. Appeals of this decision of the Director shall be made in accordance with Article 13 of this Code.
- (3) All signs involving internal lights or other electrical devices or circuits shall display a label certifying it as being approved by the Underwriter's Laboratories, Inc.
- (4) All electrical service to a sign shall be in compliance with the Electrical Code.
- (5) Clearance from all electrical power lines shall be in conformance with the requirements of the Electrical Code.

706 (b) Conformance to state law.

The following applies to any sign located or to be located within 660 feet of the nearest edge of the right-of-way of an Interstate, U.S. or State-numbered highway (or any other road designated as a "primary highway" by the State of Georgia and approved by the U.S. Department of Transportation), or located or to be located beyond 660 feet of such highway but visible and intended to be read from such highway:

- (1) Such sign shall comply with all requirements of the Georgia Outdoor Advertising Act, O.C.G.A. 32-6-70 *et seq.*

- (2) Such sign shall comply with all requirements of this Article. Between the Georgia and Douglas County regulations, such sign must comply with the most restrictive requirements with respect to each and every item of regulation.

706 (c) Sign maintenance.

- (1) All signs, together with all their supports, braces, guys, and anchors shall be kept in good repair and, unless constructed of galvanized or noncorroding metal, shall be given a protective coating as necessary to maintain a clean appearance and safe condition.
- (2) All signs shall be maintained in accordance with all County regulations, including any regulations concerning nuisances and vegetation.

706 (d) Minimum sign setback.

- (1) Sign installation locations must meet set back requirements of Article 4 and clear zone distance criteria based Article 10 of this Code.
- (2) Unless provided otherwise in this Article for miscellaneous signs at driveway entrances allowed under Sec. 709 (a)(1), public service signs under Sec. 709 (d) and temporary event signage as provided under Sec. 710 in no case may any portion of a sign be located less than 3 feet from a public right-of-way or less than 12 feet from any street paving or curb line (whichever is greater).
- (3) No sign or sign structure of any kind shall be located less than 10 feet from a side or rear property line.

706 (e) Visibility clearance area.

Any portion of a sign located within 20 feet of the intersection of the right-of-way lines of streets, or within 20 feet of the intersection of the edge of a driveway and the right-of-way line of a street, shall be no more than 30 inches (2½ feet) in height, nor shall such sign otherwise obstruct visibility or pose a threat to traffic safety. Notwithstanding, sign installation locations must also meet setback requirements of Article 4 and clear zone distance criteria based on Article 10 of this Code.

706 (f) Principal freestanding signs; distance between.

- (1) Signs 75 square feet in area or less.

Each principal freestanding sign having an area of 75 square feet or less shall be located at least 50 feet from any other principal freestanding sign on the same side of the street. The Development Services Director may reduce this distance if it cannot be met due to the location of existing signs on separate but adjoining lots. Such reduction shall be the minimum required in order to maintain the greatest separation possible from such existing signs.
- (2) Signs between 75 and 300 square feet in area.

Each principal freestanding sign having an area of between 75 and 300 square feet shall be located at least 100 feet from any other principal freestanding sign on the same side of the street. The Development Services Director may reduce this distance if it cannot be met due to the location of existing signs on separate but adjoining lots. Such reduction shall be the minimum required in order to maintain the greatest separation possible from such existing signs.
- (3) Signs greater than 300 square feet in area.

Each principal freestanding sign having an area greater than 300 square feet shall be located at least 1,000 feet from any other principal freestanding sign having an area greater than 300 square feet (except between billboards on opposite sides of I-20—see Sec. 709 (b)(2)b), and at least 100 feet from any other principal freestanding sign on the same side of the street. Distance measurements are to be made horizontally in all directions from the nearest edge of the sign structure.

706 (g) Projecting signs.

- (1) Projecting signs shall not project more than 42 inches beyond the face of the building.
- (2) Projections shall be at a ninety-degree angle to the building face.
- (3) All sides of a projecting sign shall be finished.

706 (h) Ground clearance under signs.

- (1) Projecting signs shall provide a minimum of 8 feet of clearance from ground level to the bottom of the sign.
- (2) Under-canopy signs of greater than 4 square feet shall be rigidly mounted, and there shall be 8 feet of clearance below the base of any rigidly mounted under-canopy sign. There shall be a minimum clearance of 7 feet below the base of any non-rigidly mounted under-canopy sign.
- (3) Awning, mansard and marquee signs shall be no less than 8 feet above the ground when erected over pedestrian walkways at the lowest extremity of the sign.

706 (i) Illuminated signs.

- (1) Types of illumination.
 - a. Externally-illuminated sign. An externally-illuminated sign, when permitted, shall have concealed wiring and controls, and shall have shielded and screened external light sources.
 - b. Internally-illuminated sign. Internally-illuminated signs, where permitted, must completely shield the source of light from direct view. Internally channeled or reverse-channeled letters are permitted only in instances of wall signs affixed to buildings with a front setback of more than 100 feet.

- (2) Traffic Control.

No sign illumination device shall resemble an official traffic control or warning sign, nor shall it hide from view or distract from any traffic or street sign or signal.

- (3) Hazards.

Illumination devices shall be placed, filtered, and shielded so direct rays will not be cast into the eyes of drivers or pedestrians.

- (4) Light Pollution.

Sign illumination shall not cast light directly upon adjacent properties or roadways. No illuminated signs are allowed within 100 feet of any residential zoning district or property occupied by a dwelling.

- (5) Exposed Wires.

No sign may have exposed electrical wires.

(6) Strings of Bulbs.

Strings of bulbs are not permitted, except as part of a holiday celebration.

(7) Hours of Illumination.

No sign shall be illuminated between 11 p.m. and 6 a.m. except for those hours during which the premises on which the sign is located is open for business or employees are on the premises.

706(j) Setbacks.

Freestanding signs shall be set back at least 3 feet from a street right-of-way line and 12 feet from the back of a street curb, whichever results in the greater setback, and shall be no closer than 10 feet from any side or rear property line.

706(k) Minimum Standards.

Sign structure shall conform to the minimum design and construction standards of any overlay zone adopted as a part of this Code.

Sec. 707 - Measurement of sign area and height.

707 (a) Computation of sign area.

In order to determine compliance with the maximum allowable sign areas permitted under this Article, the following shall establish how sign areas are measured.

(1) Sign face area.

- a. The area of a sign face shall be computed as the area within the smallest rectangle enclosing the limits of a sign face, or the combination of the areas of all such rectangles delimiting each sign module, together with any frame or material, texture, or color forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed.
- b. For signs that have no identifiable frame or border, the smallest rectangle that includes all of the sign's words, letters, figures, symbols, logos, fixtures, colors, or other design elements intended to convey the sign's message shall establish the area of the sign's face.
- c. For signs applied to a kiosk or other cylindrical sign structure, the area of the sign face shall be computed as the largest rectangular area achieved from any one view of the sign. Measurements shall be made as a flat plane rectangle projected on the sign.
- d. The computation of the area of a sign face shall not include the structure, supports, or uprights on which the sign face is placed or any portions of a sign structure that are not intended to contain any message or idea and are purely structural or decorative in nature, other than those portions contained within the rectangle that delimits the sign face or a sign module
- e. Changeable copy signs.

For any sign on which any of the words, letters, figures, symbols, logos, fixtures, colors, or other design elements are routinely changed or are intended to be changed from time to time, the sign face area shall include the entire area within which any words, letters, figures, symbols, logos, fixtures, colors, or other design elements may be placed, together with any frame or material, texture, or color forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed. Both changeable and fixed elements of signs with changeable copy signs are counted toward a single sign face area.

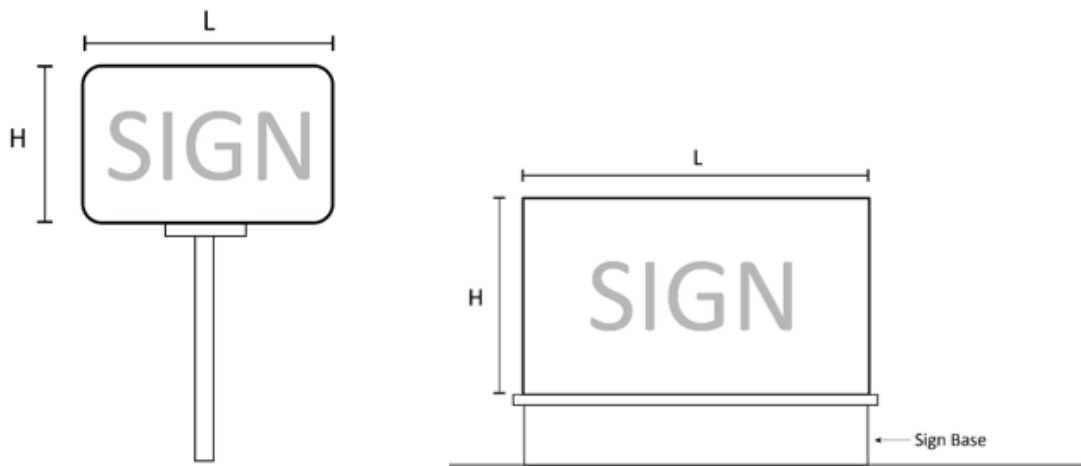


Figure 7-1 – Sign Area Measurement Freestanding Sign

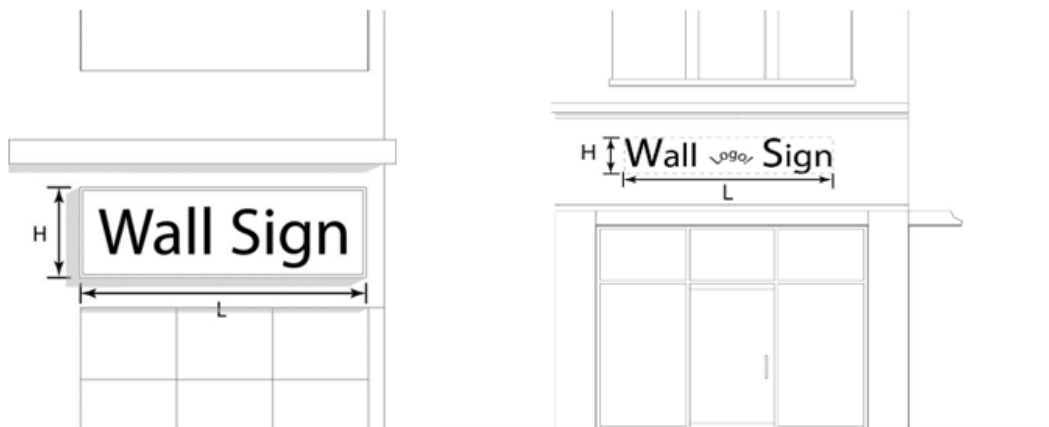


Figure 7-2 – Sign Area Measurement Wall Sign

(2) Sign Structure Area.

- a. The area of a sign structure shall be computed as the area within the smallest rectangle enclosing the limits of the surface of a sign whereon the sign face or sign modules may be placed, including all portions of a sign structure that provide a background for the sign face but are not intended to contain any message or idea and are purely structural or decorative in nature.

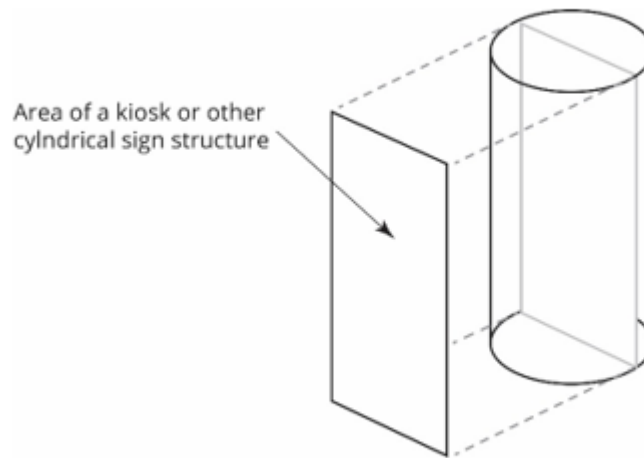
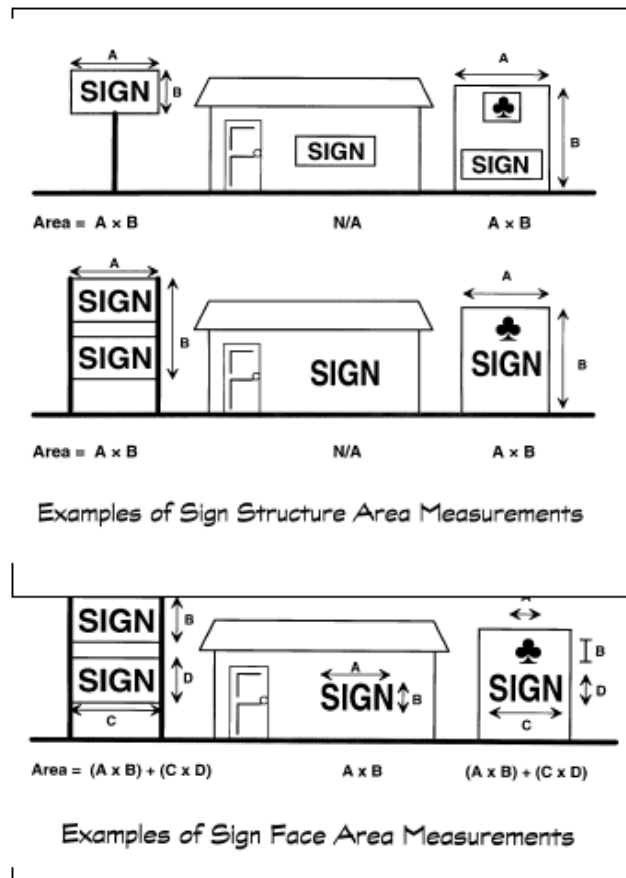


Figure 7-3 – Sign Area Measurement Wall Sign Cylindrical or Kiosk Sign



- b. For a kiosk or other cylindrical sign structure, the area of the sign structure shall be the largest measurement achieved from any view of the sign structure. Measurements shall be made as a flat plane rectangle projected on or bisecting the sign structure.
- c. Project entrance signs.

For project entrance signs or other signs that are imposed, mounted or painted on a wall or other decorative structure, the sign structure area shall be computed as that portion of such wall or other decorative structure that is discernibly devoted to the support of the sign or, by its design or architectural treatment, intended to provide a background or frame for the sign.

(3) Treatment of open spaces.

Any open space contained within the limits of the rectangle delimiting the sign face, sign module, or sign structure shall be included in the computation of the area of such sign face, sign module, or sign structure.

707 (b) Multi-faced signs.

(1) Double-faced signs.

For double-faced signs, when the sign face surfaces are parallel (back-to-back), or where the smallest angle formed between the two faces is 60 degrees or less, the area of the sign shall be taken as the area on the largest side. For double-faced signs where the interior angle formed by the faces is more than 60 degrees, the area of the sign shall be the total area of all sides.

(2) Signs with three or more faces.

For sign structures having only three faces and the interior angle formed between all of the faces is 60 degrees, the area of the sign shall be taken as the area on the largest side. For all other multi-faced signs with three or more sides, the area of the sign shall be the largest total of all faces that are joined by an interior angle of more than 60 degrees that can be viewed from any one direction.

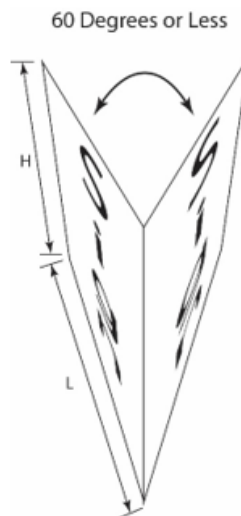


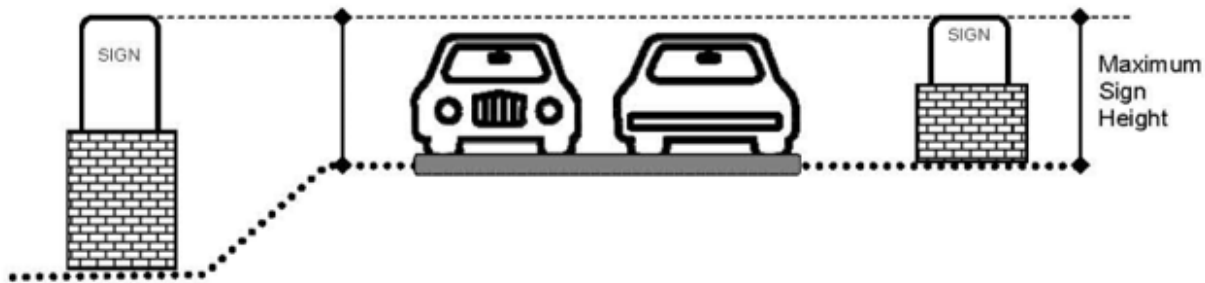
Figure 7-4 – Sign Area Measurement Double-Faced Sign

707 (c) Measurement of sign height and distance.

(1) Sign height.

The height of a sign shall be equal to the vertical distance from the average grade at the base of the sign, or from the crown of the roadway of the nearest street within 100 feet of any portion of the sign, to the highest point of any portion of the sign, whichever results in the greater sign height. Any earthen berms and elevated foundations supporting signs, signposts or other sign supports shall be included in the height of the sign.

Note: Where a freestanding sign is mounted along a roadway that has a significantly higher grade level as compared to the grade level directly below the freestanding sign, then the Development Services Director may authorize the height to be measured from the roadway grade level to the top of the freestanding sign or sign structure.



(2) Measurement of distance.

Minimum distances required hereunder shall be measured along the shortest straight line from the nearest point on a sign structure to the nearest point on a property line, sign structure, building or structure to which the minimum distance requirement applies.

Sec. 708 - Permanent signs allowed, by land use category.

The following Table 7.1 and Table 7.2 present the maximum number, size, height, and other restrictions relating to specific signage that are allowed by right in each land use category. Additional signage is allowed under other Sections of this Article.

708 (a) Principal Freestanding Sign—One Use on Property.

- (1) "Principal Freestanding Sign—One Use on Property" on Table 7.1 applies to a lot where there is only one use being made of the property, such as but not limited to one single-family or two-family dwelling, one multi-family development, or one business or institutional occupant. Properties that are vacant but zoned or offered for sale or lease for a particular land use category are also considered "one use on property."

708 (b) Principal Freestanding Sign—Planned Center.

- (1) "Principal Freestanding Sign—Planned Center" on Table 7.1 applies to a single commercial or industrial property that is occupied by two or more principal businesses that are separately-

owned and have no corporate relationship, such as a shopping center or office complex. A planned center may consist of several businesses in a single building or individual businesses in several buildings on the property. Individual businesses within a planned center are allowed building signage only, in accordance with Table 7.2, and temporary signage under Sec. 710.

Table 7.1: Permitted Freestanding Signs—By Land Use Category

	Agricultural Property	Single- or Two-Family Residential Property	Multi-Family Property		General and Heavy Commercial	Industrial Property	Institutional Property
Principal Freestanding Sign—One Use on Property:							
Max. Number	1 per lot	1 per lot	N/A		1 per street frontage	1 per street frontage	1 per street frontage
Maximum area of each sign	8 square feet	8 square feet			90 square feet	90 square feet	64 square feet
Maximum height	6 feet	6 feet			20 feet	20 feet	8 feet ²
Illumination	Not Allowed	Not Allowed			Internal or External	Internal or External	Internal or External
Principal Freestanding Sign—Planned Center:							
Max. Number	N/A	N/A	N/A		1 per 300 feet of street frontage	1 per 300 feet of street frontage	
Maximum area of each sign					300 square feet	300 square feet	
Maximum height					25 feet	30 feet	

Illumination					Internal or External	Internal or External	
Project Entrance Sign:							
Max. Number	2 per entrance drive	2 per entrance drive	2 per entrance drive		2 per entrance drive	2 per entrance drive	
Maximum sign face or sign structure area ¹	64 square feet	64 square feet	64 square feet		100 square feet	200 square feet	
Maximum height	12 feet	12 feet	12 feet		25 feet	30 feet	
Illumination	Internal or External	Internal or External	Internal or External		Internal or External	Internal or External	

¹ Ground (i.e., "monument") sign only.

² Applies to any institutional property located within a Residential zoning district.

- (2) For a planned center on a heavy commercial or institutional property, and an industrial property, for instance, one freestanding sign limited to an area of one square foot per linear foot of lot frontage, for each street frontage, is allowed; except that any such center having more than 300 feet of frontage on a street may have additional signs provided that they are at least 100 feet apart and that the total area of said signs does not exceed one square foot for each linear foot of street frontage on said street. However, no freestanding sign shall exceed 300 square feet in area.
- (3) Individual business in a planned center: No separate freestanding sign is allowed, unless shown on the approved master sign plan and in conformance with Sec. 708 (b)(2) above.

708 (c) Project entrance signs.

- (1) Project entrance signs are signs located at an entrance into a residential subdivision, into a multi-family development, or into an office, commercial or industrial park consisting of two or more lots. Each project entrance sign shall not exceed the number, area or height limitations shown on Table 7.1.
- (2) Placement of signs in the right-of-way: When the owner or developer of a residential development or of an office or industrial park desires a divided roadway entrance to the

development with a landscaped island in the right-of-way, the Development Services Director may approve a project entrance sign within the island provided that the sign will not be internally illuminated, that it be in scale with the landscaping and overall design of the entrance, and that the placement of the sign will not be a hazard to traffic.

- (3) Maintenance: Douglas County shall not be responsible to maintain any such project entrance sign, where allowed, within or out of the street right-of-way. If a project entrance sign within an island in the street right-of-way is allowed to become dilapidated the County reserves the right to remove such sign.

708 (d) Building signs.

For building signs permitted on Table 7.2, the following shall apply:

- (1) For single-occupant buildings, the maximum allowed area for all building signs on a wall shall be calculated on the basis of the percentage of the entire area of said wall, including all windows and doors.
- (2) For multi-tenant buildings, the maximum allowed area for all building signs for each tenant shall be calculated on the basis of the percentage of the area of the wall, including all windows and doors, of that portion of the structure occupied by the tenant.
- (3) Window signs are permitted without restriction so long as the aggregate sign area of all building signs, including window signs, does not exceed the limitations set out in Table 7-2, Permitted Building Signage-By Land Use Category. Window signage cannot cover more than 50% of the window and shall count toward total square footage for allowable wall coverage signs.
- (4) Projecting and under-canopy signs shall be limited to no more than 1 per tenant on a property, and each tenant shall have no more than 1 projecting sign or under-canopy sign, for each street that the tenant faces.

Table 7.2: Permitted Building Signage—By Land Use Category

	Agricultural Property	Single- or Two-Family Residential	Multi- Family Property	Heavy Commercial or Institutional Property	Industrial Property
Wall, awning, under-canopy, projecting & window signs on a building:					
Maximum number of all building signs except under- canopy and projecting signs	1	1	1 per building	1 per tenant for each of the tenant's walls facing a street	1 per tenant for each of the tenant's walls facing a street

Maximum sign face area—total for all tenants	2 square feet	2 square feet	8 square feet	20% of the area of the wall facing a street	20% of the area of the wall facing a street
Maximum sign face area for each sign	Not Applicable	Not Applicable	Not Applicable	See 708 (d)(2), up to a maximum of 225 square feet per sign	See 708 (d)(2), up to a maximum of 225 square feet per sign
Additional Under-Canopy Sign or Projecting Sign	Not Allowed	Not Allowed	Not Allowed	1 per tenant, up to 6 square feet in area	1 per tenant, up to 6 square feet in area
Illumination				Internal or External	Internal or External
Signs on a free-standing canopy:					
Max. number of all canopy signs	Not Allowed	Not Allowed	Not Allowed	1 per canopy face	1 per canopy face
Maximum sign face area				20% of the area of each canopy face	20% of the area of each canopy face
Maximum sign face area of largest sign				15 square feet	15 square feet
Illumination				Internal Only	Internal Only

³ Additional wall signage is allowed for each tenant (up to a maximum of three signs per street-facing wall) when the tenant meets one or more of the following conditions: a) the tenant occupies more than 50,000 square feet of floor area (add one sign); b) the tenant occupies more than 100,000 square feet of floor area (add one additional sign).

708 (e) Changeable copy signs.

- (1) Manual changeable copy signs are permitted in all commercial districts and for institutional entitles in all districts.

- (2) Electronic changeable copy signs are allowed by right in Heavy Commercial (C-H) and Heavy Industrial (H-I) districts and by non-profit organizations in any zoning district. In all other commercial and industrial zoning districts, automatic changeable copy signs will require a special use permit approved by the board of commissioners.
- (3) Electronically controlled changeable copy signs shall comply with the following:
- a. The sign shall have installed an ambient light monitor which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with the terms of this article. Maximum brightness levels for digital billboards shall not exceed three-tenths (0.3) foot-candles over ambient light levels measured within one hundred fifty (150) feet of the sign. Certification shall be provided to the County demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower and that the sign operates within such standards.
 - b. The sign shall display static advertising messages and will not have animation or motion within the messages that might distract drivers.
 - c. The sign shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.
 - d. Transition from one message to another message shall be instantaneous.
 - e. The sign message shall remain fixed for a "hold time" of at least 10 seconds or the most current regulations promulgated by the Georgia Department of Transportation, whichever is most restrictive.
 - f. Each message remains unchanged for its full display duration. No fading, scrolling or other simulated movement of sign copy is permitted.
 - g. Each sign message shall be complete within itself and shall not continue onto subsequent sign messages.
 - h. The sign company shall participate the nation amber alert program and FBI and Emergency alert broadcasting program to bring emergency messages to the public as needed.
 - i. The County Sheriff's Department shall have the ability to submit emergency messages to the sign company for immediate broadcast should the Sheriff determine an emergency situation warrants warning to the public.
 - j. No automatic changeable copy shall be utilized within 150 feet of any single-family residence or property zoned for single family use.

708 (f) Planned developments.

For signs in a planned unit development (PUD) or master planned development, each property or individual development project within the planned development shall conform to the sign regulations established as part of the zoning approval for the planned development. If no such regulations exist, each property or individual development project within a planned development shall conform to the

provisions of this Article in accordance with the land use category of said property or individual development.

- (1) Interior Signs are allowed as an accessory uses on a property occupied by a planned center or by any multi-family commercial, or institutional, or industrial use exceeding five acres if each sign complies with all of the following:
 - a. One interior sign not to exceed 64 square feet in area nor more than eight feet in height may be located on the property for each principal building on the lot of a planned center, located at least 100 feet from any street right-of-way line.
 - b. Other miscellaneous interior signs are allowed beyond the minimum front yard setback on a property developed for multi-family, commercial or institutional, or industrial use, provided that such sign shall have no more than three square feet in sign face area nor more than three feet in height (except signs that are required by law to be higher than three feet high, such as those marking handicapped parking spaces.)

708 (g) Process for relaxation of signage restrictions.

The restrictions placed on signs by this Article, including the number, size, height, illumination and location on a property, may be modified under the provisions of Sec. 712.

Sec. 709 - Other permanent signs allowed.

709 (a) Miscellaneous freestanding signs.

Freestanding signs in addition to those shown on Table 7.1 are allowed as accessory uses on a property occupied by any multi-family, commercial or institutional, or industrial use if each sign complies with all of the following:

- (1) Within the area between a street and the minimum front yard setback for principal buildings required for the zoning district, additional signs may be located within 3 feet of driveways that provide access into or from the property. There shall be no more than 2 such signs per driveway and each such sign shall not exceed 3 square feet in sign area nor be more than 30 inches (2½ feet) in height. Such signs shall be no less than 6 feet from the back of curb (or edge of pavement, whichever is greater).
- (2) Miscellaneous signs located farther from the street than the minimum required front yard setback shall be allowed as follows:
 - a. One miscellaneous sign not to exceed 64 square feet in area nor more than 8 feet in height may be located on the property for each principal building on the lot, located at least 100 feet from any street right-of-way line.
 - b. Other miscellaneous freestanding signs are allowed beyond the minimum front yard setback on a property developed for multi-family, commercial or institutional, or industrial use, provided that such signs shall have no more than 3 square feet in sign face area nor more than 3 feet in height (except signs that are required by law to be higher than 3 feet high, such as those marking a handicapped parking space).

- (3) Drive-through lanes. In addition to any other freestanding signs authorized by this section, if property contains a commercial or industrial building or structure where materials are delivered at a drive through delivery point located other than on the front side of the building, then two additional freestanding signs per drive through lane shall be allowed to be located to serve the drive through service on the property. No such sign shall exceed 40 square feet in area nor 8 feet in height.

709 (b) Billboards.

- (1) Billboard; defined

A Billboard is a principal freestanding sign that exceeds the sign area limitations established or otherwise approved for principal freestanding signs under Sec. 708 of this Article.

- (2) Billboards; where allowed.

- a. The billboard must be located on a property that meets the following criteria:

1. The property must be zoned LI, HI, or C-H, but not be located within the Quality Growth Overlay District.
2. The property must have at least 50 feet of frontage on a State, U.S., or Interstate numbered highway and contain at least 1 acre in lot area.

- b. The billboard must comply with the following distance requirements:

1. The billboard must be placed within 660 feet of a State, U.S., or Interstate numbered highway.
2. The billboard shall not be located within 1,000 feet of any other billboard unless the other billboard is located on the opposite side of I-20 from said billboard. Distance measurements are to be made horizontally in all directions along a straight line between the nearest edges of the sign structures.
3. Only the sign face shall be allowed to face the same direction per location. This allows back-to-back of "V" formation signs but prohibits two signs (side by side or over and under) facing the same direction.
4. Only one billboard shall be allowed per lot. No billboard shall be placed on any lot that contains any other freestanding sign.

- c. No portion of the billboard shall be located within 300 feet of a property occupied by a dwelling, church, school, park or public building, or within 300 feet of a single- or two-family residential property or a multi-family property.

- d. Historic area locations prohibited.

No billboard shall be placed in or obstruct the view of an area of historic interest designated by the County, or within 300 feet of a building, structure or site designated as historic under state or federal regulation.

- e. Billboards located near an Interstate interchange shall be further limited as follows:

1. No more than 2 billboards may be located in each quadrant of the interchange.

2. Such billboards shall be restricted to an area in each quadrant 1,200 feet long beginning 500 feet from the road that crosses the expressway or 500 feet beyond the point where the pavement begins to widen on the main travelway of the expressway to accommodate an exit or entrance ramp, whichever is farther from the interchange.
3. One interstate sign is permitted on lots located within 500 feet of an interchange for Interstate Highway 20, so long as no other free-standing sign is located on the lot. The 500-foot measurement commences and ends at the beginning and ending point of entrance ramps onto and from the interstate and extends 500 feet perpendicular to such ramps.

(3) Billboards; limitations.

a. Sign faces.

No more than one single-faced or double-faced sign can be located on a single billboard sign structure. Only one sign module is allowed on a single-faced billboard sign structure, and only two sign modules are allowed on a double-faced billboard sign structure. The two sign modules forming a double-faced billboard must be parallel (back-to-back) to one another or form an interior angle no greater than 60 degrees, and the two sign modules may be separated from each other at their nearest point by no more than three feet.

b. Sign orientation.

Only one sign shall be allowed to face the same direction per location. This allows back-to-back or "V" formation signs, but prohibits two signs (side by side or one above the other) facing the same direction.

c. Uniform size.

The area of the sign face shall not exceed 700 square feet if located within 660 feet of the I-20 right-of-way, or 400 square feet for all other locations, not including aprons or trim.

d. Sign height.

1. All billboards shall be a minimum of 10 feet above average grade or 10 feet above the crown of the adjacent roadway, measuring from the lower portion of the sign face, whichever is greater.
2. Billboards shall not exceed 99 feet in height within 660 feet of I-20 and 30 feet in height in all other locations, or the maximum height of the zoning district in which the sign is located, whichever is less. The height shall be measured from average grade or from the crown of the adjacent roadway, whichever is greater.
3. Two billboards in the same location (back to back or "V" formation whichever is greater) shall be the same height, whether measured above grade or the adjacent roadway surface.

e. Illumination.

Externally illuminated billboard shall use base mounted fluorescent or mercury vapor lights and shall be activated by photoelectrical cells. Digital lighting of billboards, including LED and other electronic forms of lighting, is permitted only as set out in this paragraph.

For billboards erected as of right within 500 feet of Interstate Highway 20, digital billboards are permitted so long as:

1. All requirements of O.C.G.A. Section 32-6-75 are met. Where the standards of state law and this UDO vary, the most stringent standards will be met.
 2. Each message remains unchanged for its full display duration. No fading, scrolling or other sustained movement of the sign copy is permitted.
 3. No digital lighting shall be used within 150 feet of any single family residence or any property zoned for single family use.
 4. Digital billboards are limited as of right to commercially or industrially zoned property within 500 feet of the right-of-way Interstate Highway 20.
 5. No digital billboard shall be erected within 5,000 feet of another digital billboard on the same side of the roadway.
 6. The display or message of a digital billboard may not change more frequently than once every 10 seconds, with a transition period of one second or less.
 7. All digital billboards shall have installed an ambient light monitor which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with the terms of this article. Maximum brightness levels for digital billboards shall not exceed three-tenths (0.3) foot-candles over ambient light levels measured within one hundred fifty (150) feet of the sign. Certification shall be provided to the County demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower and that the sign operates within such standards.
 8. All billboards shall be designed in such a manner that any malfunction shall result in the sign going completely dark.
- f. Protrusions prohibited.
- Protrusions beyond the face of the sign, excluding aprons, are prohibited.
- g. Location on property.
- All portions of the billboard must be located on a property in accordance with the front, side and rear yard setback requirements of the zoning district in which it is located.
- h. The billboard may not be located on, over or within 20 feet of any building, automobile parking lot or truck loading area, nor within any stormwater detention facility, easement, buffer, landscape strip or tree conservation area established under the codes, ordinances and regulations of Douglas County.

(4) Compliance with State or local law.

The billboard must comply with all requirements of the State of Georgia and the Georgia Outdoor Advertising Act (O.C.G.A. 32-6-70 *et seq.*), as well as the provisions of this Section, whichever are the most restrictive.

- (5) Relief from size or height limitation.

A request for an increase in the size or height limitation may be made under the provisions of Sec. 712.

709 (c) Reserved

Sec. 710. - Additional signage.

Additional signs shall not be restricted as to the message displayed on the sign, but must comply with the following:

710 (a) Size, height and design.

- (1) Temporary signs with the following size and height restrictions:
 - a. Maximum size of 16 square feet of sign area per side.
 - b. Maximum of 48 total square feet of sign area per lot.
 - c. Maximum height of any sign is four feet to the top of the sign as measured in Section 707(c)(1).
- (2) These signs are not limited in design to monument signs.

710 (b) Setbacks, locations and limitations for temporary signs.

- (1) All signs shall have a minimum setback of 10 feet from the rear and side property lines. For front setback, the sign must be 3 feet from a public right-of-way or less than 12 feet from any street paving or curb line, whichever is greater. However, in no case will a sign be allowed to obscure vision at a street or driveway intersection, or railway crossing nor will a temporary sign be allowed to obscure a permitted permanent sign. For traffic safety, signs shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection.
- (2) A temporary sign shall be erected and maintained only with the permission of the owner of a property upon which the sign is located.
- (3) No temporary sign shall be placed within the right-of-way of any street.
- (4) No temporary sign shall be illuminated.

710 (c) Standards for signs not requiring building permits.

- a. Nonpermanent but water-resistant construction materials may be used, such as but not limited to poster board, foam core board or illustration board.
- b. Except for portable signs allowed under Sec. 710 (f)(2), the words, letters, figures, symbols, logos, fixtures, colors, or other design elements that convey the sign's message shall be permanently applied to the sign's face. Automatic changeable copy signs shall not be allowed.

710 (d) Portable signs, inflatable signs, banners and festoons.

Portable signs, inflatable signs banners and festoons are allowed as temporary event signs on a property in the following land use categories: Heavy Commercial, Industrial and Institutional as described in this Article, subject to the following additional restrictions.

- (1) The primary purpose of this Subsection is to allow additional temporary signage during special commercial events, such as "grand openings" and special sales.
- (2) Portable or inflatable signs.

One portable or inflatable sign per developed lot or business is allowed under the following conditions and requirements:

- a. Prior to the erection or placement of these signs or devices, all required fees and taxes shall be paid by the owner of the sign.
- b. The maximum number of portable or inflatable sign permits to be issued to a single location or site at any given time shall be 1 such sign permit, either for a portable or an inflatable sign, but not both simultaneously. Permits may be issued no more often than once every 90 days, and for a duration not to exceed 30 calendar days.
- c. No individual business in a planned center shall be allowed a portable or inflatable sign or be issued such a permit.
- d. The maximum size allowance for these devices and signs shall not exceed 24 square feet for a portable sign and 200 square feet for an inflatable sign. Said sign shall not have arrows, directional arrows, or flashing lights.
- e. The sign must be placed on the site in accordance with the setback requirements pertaining to temporary signs under Sec. 710.
- f. To prevent wind damage to the sign or other property, the sign must be securely anchored to the site in a manner acceptable to the Chief Building Official.
- g. All electrical connections to the sign must be in compliance with the electrical codes as adopted by the County, and must be inspected prior to use.

- (3) Banners and festoons.

- a. The Development Services Director is authorized to issue a temporary permit for flags, pennants, banners, fringes, twirling, "A" frame, sandwich type, sidewalk or curb type signs, streamers, and other similar temporary signs. The maximum number of such temporary permits issued shall be one temporary permit every 3-month period. Each temporary permit will be for a period of time not to exceed 30 calendar days for each issuance.
- b. When allowed as temporary signage, a banner shall be allowed only as wall or window signage and shall be placed flush upon the wall or window to which it is attached. Banners shall not be hung as under-canopy signs, flown as flags, or used as any other form of sign.
- c. Such banners shall not be in addition to the maximum limitation on building signage for a tenant as shown on Table 7.2.
- d. A banner may be placed on an individual business within a planned center.

In the event that a court should adjudge any part of this section of the ordinance a violation of the Georgia or United States Constitutions or any other provision of law, it is the specific intent of the Douglas County Board of Commissioners that this provision referencing a limitation to noncommercial speech or commercial speech that pertains to a commercial enterprise located on the property be omitted from the ordinance and the remainder of the ordinance stay in effect to regulate signs on property within the County.

Sec. 711 - Sign permits.

711 (a) Sign permits; when required.

In addition to a building permit as may be required under the Building Code, a sign permit shall be obtained from the Development Services Director prior to installation, relocation, expansion, construction or structural alteration of any sign regulated under this Article except for those signs specifically exempted under Sec. 711 (b), below.

Any violation of Sec. 711 (a) will result in a permit fee penalty equal to two times the sign permit fee.

711 (b) Exemptions from requirement for a sign permit. ⁴

- (1) A sign permit will not be required under the following conditions:

Replacing or altering the words, letters, figures, symbols, logos, fixtures, colors, or other design elements that compose a sign's message, in whole or in part, shall not require a sign permit unless a structural change is made. This applies only to an existing business or owner. All new businesses or owners require a new permit be applied for and issued.

- a. Painting, repairing, cleaning, or maintaining a sign shall not require a sign permit unless a structural change is made.

- (2) A sign permit will not be required for the following listed signs:

- a. A sign that is otherwise exempt from regulation under Sec. 704 of this Article.
- b. A principal freestanding sign on a single-family or two-family residential property allowed under Sec. 708 (a) of this Article does not require a sign permit.
- c. Miscellaneous freestanding signs that are allowed under Sec. 708 (e) of this Article do not require a sign permit.
- d. Public and private recreational signs that are allowed under Sec. 709 (d) of this Article do not require a sign permit.
- e. A temporary event sign placed by an individual property owner in conformance with the provisions of Sec. 710 during the following specific temporary events: the sale or lease of a property, an election, a yard sale, the construction of a building, or a public announcement or a temporary cross or other religious monument on an institutional property, do not require a sign permit.

711 (c) Issuance of a sign permit.

- (1) Sign review required.

For any sign requiring issuance of a sign permit under the provisions of this Article, sign review shall be required prior to installation, relocation, renovation, expansion, construction or reconstruction of the sign. The sign application, shall be submitted to the Development Services Director, or their designee. Sign applications may be submitted by the most current method required by the Director of Development Services, however, no faxed sign permit applications will be accepted.

- (2) Sign permit application.

- a. Information required for all applications.
 - 1. Location of the property and its land use category as defined in this Article.
 - 2. Name and address of the applicant, telephone number and other relevant contact information.
 - 3. Consent of the property owner or lessee of the property, their name and address, telephone number and other relevant contact information.
 - 4. Name and address of the person who will be responsible for erection of the sign, telephone number and other relevant contact information.
- b. Application for signs other than temporary signs.

In addition to the information required under Sec. 711 (c)(2)a, an application for a sign permit for all types of signs other than temporary signs must include the following:

- 1. An itemized list and a keyed site plan at a suitable scale showing the location of all existing signs and sign structures currently on the property. The site plan shall be prepared on a boundary survey containing a certification by a professional engineer or registered land surveyor.
- 2. An itemized list and a keyed site plan at a suitable scale showing the location of all proposed signs to be located on the property and all existing signs proposed to be removed.
- 3. A scaled drawing with dimensions and specifications, specifying materials, illumination, character sizes, colors, and support systems for each proposed sign.
- 4. The estimated cost of construction for each proposed sign.
- 5. Any other information as may be reasonably required by the Development Services Director to determine compliance with all provisions of this Article.
- 6. Application for a planned center or large nonresidential use.

An application for a planned center or for a commercial or industrial use, any of which having more than 100,000 square feet of gross floor area, must be accompanied by a master sign plan consistent with the standards of Sec. 713 (a).

- c. Application for temporary signs.

In addition to the information required under Sec. 711 (c)(2)a, an application for a sign permit for a temporary sign must include the following:

- 1. A description of the temporary sign to be placed on the property, including its proposed location.
- 2. Written designation of the time period during which the sign will be placed on the property, consistent with the durations allowed under Sec. 710.
- 3. For portable signs, banners and festoons, written and graphic evidence of compliance with all requirements of Sec. 710 (f). The application shall be accompanied by a bond in the amount of \$500 to assure prompt and complete removal of such signs within 24 hours of the expiration of the permit.

4. A scaled drawing with dimensions and specifications, specifying materials, illumination, character sizes, colors, and support systems for each proposed sign.
5. Any other information as may be reasonably required by the Development Services Director to determine compliance with all provisions of this Article.

(3) Issuance of sign permit.

- a. No application shall be considered to have been made until all required information has been completed and submitted to the Department. The Director shall review the application with 5 workdays following the submission. Incomplete or improper applications shall be returned to the applicant and may only be resubmitted as a new application.
- b. Once a complete application for a sign permit has been received, within 10 days the Development Services Director shall review the application and either:
 1. issue the permit, or
 2. deny the permit and inform the applicant of the reasons why the permit cannot be issued. In the event of a denial of the permit, a complete application must be resubmitted with any revised or updated information.
- c. Upon determination that the application fully complies with the provisions of this Article, the Building Code, and all other applicable laws, regulations and ordinances of Douglas County, the sign permit shall be issued by the Development Services Director.
- d. If the Development Services Director fails to act on a complete application within 30 days of receipt, it shall be deemed approved, subject to the requirements and provisions of this Article.
- e. An applicant may appeal the denial of a sign permit as an appeal of an administrative decision to the Planning and Zoning Board following the procedures for such appeals under Article 13 of the Unified Development Code. Such appeals must be filed with the Director of Development Services within 5 days of the denial of the sign permit.

(4) Decals.

Numbered decals shall be issued with permit numbers on the decal corresponding to the numbers on the approved permit application. The issued numbered decal must be affixed to the lower right hand corner of the area of the sign. The numbered decals are not transferable from one sign to another and must be placed on the sign described and permitted in the corresponding numbered permit application at all times.

- a. Failure to have decal on a sign shall be *prima facie* evidence that the sign is not lawfully permitted.
- b. It shall be unlawful for any person to attach a sign decal to any sign for which it was not issued, or to remove a decal from any sign.

(5) Expiration of sign permit for uncompleted construction.

A sign permit shall expire if the sign for which the permit was issued has not been substantially completed (to the extent of at least 60% completion based on the estimated cost of construction from the permit application) within six months of issuance. One 6-month extension may be approved by the Development Services Director for circumstances deemed extenuating and reasonable.

(6) Fee schedule.

The Board of Commissioners may from time to time, establish a schedule of fees for sign permits or modify said fee schedule as necessary to include, but not necessarily be limited to, the cost of issuing permits, making inspections and other administrative matters related to this Section under the Administration and enforcement Article of this Development Code regarding schedules and fees.

Footnotes:

These exemptions apply only to the requirement of a permit and do not relieve the owner of the sign from compliance with all other requirements of this Article for the particular sign.

Sec. 712 - Modification of sign restrictions.

712 (a) Variances.

- (1) Variances for sign height, location or size shall be handled under the Appeals Article of this Development Code.

Sec. 713 - Master sign plans.

713 (a) Master sign plan standards.

Signage for a planned center or large nonresidential development, per Sec. 711 (c)(2)b.6, and signage proposed for modification for a specific property or development project that are allowed through approval of a special exception variance, must be established on a Master Sign Plan. Standards as to type, number, size, height, or other design provisions established in addition to or in lieu of the restrictions placed on signs by this Article are to be incorporated into the master sign plan.

- (1) Master sign plans shall illustrate all proposed signs in sufficient detail so as to provide knowledgeable review and design specificity. Master sign plans shall show, describe or illustrate all signs proposed to be located on a lot and the buildings and structures therein, whether existing or new, and whether permitted by right or as additional signage under these regulations.
- (2) Signs that are otherwise exempt under this Article need not be shown on the master sign plan.
- (3) Upon approval, the master sign plan shall supersede any conflicting restrictions and regulations of this Article for the property to which it pertains.

713 (b) Recordation of approved master sign plan.

- (1) Following approval, the master sign plan shall be recorded by the owner in the office of the Clerk to the Superior Court prior to issuance of a certificate of occupancy for the development, and shall be included in any sale, lease or other transfer of right of occupancy affecting any part of the development.
- (2) All tenants of the property or development, whether an owner, lessee, subtenant, purchaser, or other occupant, shall comply with the approved uniform sign plan.

Sec. 714 - Enforcement

714 (a) Development services director.

The Development Services Director is responsible for general administration of this Article; the receipt, review and processing of all applications for sign permits and master sign plans; and all sign variance requests filed with the County. Building inspection and code enforcement responsibilities also fall under the Department of Development Services.

714 (b) Code enforcement officer.

The provisions of this Article shall be enforced by the Code Enforcement Officers and the employees of the Development Services Department, who shall have authority to make inspections of signs and properties necessary to carry out duties in the enforcement of this Article.

714 (c) Citations.

Any violation of this Article may be tried upon a citation issued by the Code Enforcement Officer or any other authorized representative of the County pursuant to the provisions of this Article and State law. Without limitation, businesses, organizations, builders, developers, contractors, property owners, and such other parties responsible for the violation may be cited for violation of any provisions of this Article.

714 (d) Removal of illegal signs.

The Code Enforcement Officer may order the removal of any sign in violation of this Article by written notice to the permit holder; or if there is no permit holder, then to the owner of the sign; or if the sign owner cannot be found or cannot be determined, then to the sign erector and any party that procured the erection of the sign. If a permit was issued, such notice shall operate to revoke the permit. The removal order shall be issued only after the appropriate party fails to comply within 7 days after the County gives written notice of non-compliance.

(1) Procedure following removal order.

An aggrieved party may appeal the removal order within 10 days from the date that the notice was mailed. Such appeal shall be made in accordance with Article 13 of this Code. If the sign is not removed within 30 days after the order of removal (or 30 days after the date any appeal becomes final), the Code Enforcement Officer is authorized to remove or cause to be removed the sign and to collect the costs thereof as provided below.

(2) Removal without notice.

- a. The Code Enforcement Officer or any other agent of the County having jurisdiction under the circumstances may remove or direct the removal of any sign in violation of this Article, without giving notice to any party, if:
 1. Said sign is illegally placed upon the public right-of-way or upon other public property; or
 2. Said sign poses an immediate safety threat to the life or health of any members of the public.
- b. Following such removal, the County may collect the costs as provided in the following section 714 (d)(3).

(3) Costs of removal.

- a. Removal of any sign found in violation shall be without liability to the County, its officers, agents, and employees. The permit holder shall be primarily responsible for the costs of removal. If there is no permit holder, then the sign owner shall be responsible. If the sign owner cannot be determined, then the costs of removal shall be the responsibility of any party that procured the erection of the sign.
- b. If payment or arrangement to make payment is not made within 60 days after the receipt of a statement of removal costs, the Code Enforcement Officer shall certify the amount thereof for collection to the County Attorney.
- c. Costs of removal shall be charged in accordance with a fee schedule adopted by the Board of Commissioners from time to time, or at the actual cost to the County, whichever is more appropriate to the action taken.

714 (e) Violation and penalties.

See the Administration and Enforcement Article of this Development Code regarding violations.

Article 8. - Landscaping, Buffers and Tree Conservation

Sec. 801 - Purpose of Article 8.

The purpose of this Article is to improve the aesthetic qualities of the County and to protect and preserve the appearance, character and value of its neighborhoods and business areas by:

- (1) Providing for quality and consistency in the design of landscaping and screening.
- (2) Providing for the separation of incompatible types of land use.
- (3) Providing for the conservation of existing trees and the planting of new trees in pace with the land development process.

Sec. 802 - Reserved.

Sec. 803 - Calculation of "tree units."

803 (a) Use of tree units.

The landscaping requirements of this Article with regard to the preservation or planting of trees is expressed in terms of "tree units" rather than the number of trees. This approach provides the developer with wide latitude of choice as to the number and sizes of trees to be planted, and their distribution following aesthetic landscaping practices, while achieving a common standard on all properties.

803 (b) Establishment of tree unit values.

The diameter of a tree's trunk establishes the "tree unit" value of an existing tree, as shown on Table 8.1, or for a newly planted tree as shown on Table 8.2.

- (1) The values assigned to trees of the same size are different for existing and new trees, as indicated in the table. One "unit" is not the same as one "tree."
- (2) Actual tree diameters or calipers are to be rounded to the nearest whole number for the calculation of tree unit values (e.g., 4.5 inches in diameter = 5 inches).

Table 8.1: Tree Units for Existing Trees

Tree Diameter (DBH) in inches	Tree Units	Tree Diameter (DBH) in inches	Tree Units
Seedlings	0.0	19	4.4
1	0.0	20	4.6
2	0.0	21	4.8
3	0.0	22	5.0
4	0.6	23	5.2

5	0.8	24	5.4
6	1.0	25	5.6
7	1.2	26	5.8
8	1.4	27	6.0
9	1.6	28	6.2
10	1.8	29	6.4
11	2.0	30	6.6
12	2.3	31	7.2
13	2.5	32	7.8
14	3.0	33	8.4
15	3.3	34	9.0
16	3.6	35	10.0
17	4.0	36	11.0
18	4.2	37 or greater	12.0 + 1.0 for each inch in diameter greater than 37

Table 8.2: Tree Units for New (Replacement) Trees

Tree Diameter caliper in inches	Tree Units	Tree Diameter caliper in inches	Tree Units
Seedlings	0.0	9	1.3

1	0.0	10	1.5
2	0.3	11	1.7
3	0.4	12	1.9
4	0.5	13	2.2
5	0.6	14	2.5
6	0.7	15	2.8
7	0.9	16	3.1
8	1.1	17 or greater	3.5 + 0.5 for each inch in diameter greater than 17

803 (c) Tree unit values for specimen trees or tree stands.

- (1) Specimen trees and specimen tree stands; defined.

Specimen tree : Any tree which qualifies for special consideration for preservation due to size, type and condition, as follows

- a. Any tree in fair or better condition which equals or exceeds the following diameter breast height (dbh) sizes:
 1. 20-inch dbh—Overstory hardwoods such as oaks, hickories, yellow poplars, sweetgums, etc.
 2. 24-inch dbh—Overstory softwoods such as sweetgums, deodar cedars, etc.
 3. 4-inch dbh—Understory small trees such as dogwoods, redbuds, sourwoods, etc.
 4. 30-inch dbh - Pine trees (all species)
- b. A tree in fair or better condition must meet the following minimum standards:
 1. A life expectancy of greater than 15 years.
 2. A structurally sound trunk, not hollow and having no extensive decay, and less than 20 percent radial trunk dieback.
 3. No more than one major and several minor dead limbs (hardwoods only).
 4. No major insect or pathological problem.
- c. A lesser sized tree can be considered a specimen tree if it is a rare or unusual species, of exceptional or unique quality, or of historical significance, subject to approval of the County Arborist.

- d. A lesser size tree can be considered a specimen tree if it is specifically used by a builder, developer, or design professional as a focal point in a landscape project, subject to approval of the County Arborist.

Specimen tree stand: A contiguous grouping of trees which has been determined to be of high value in the opinion of the County Arborist. Determination is based upon the following criteria:

- a. A relatively mature, even-aged stand.
 - b. A stand with purity of species composition or of a rare or unusual nature.
 - c. A stand of historical significance.
 - d. A stand with exceptional aesthetic quality.
- (2) The tree unit values shown on Table 8.1 may be increased by 100% for an existing tree that meets the definition of a "specimen tree" or for a "specimen tree stand" as defined herein, provided that extraordinary measures as needed are taken to protect the tree and assure its survival. Such measures may include but are not limited to the provision of tree wells, retaining walls, aeration, or supplementary irrigation, as applicable to the site of the tree and as approved by the Director of Development Services.

DIVISION I. - LANDSCAPING OF PROJECTS IN GENERAL.

Sec. 804 - Landscaping; where required.

804 (a) Single-family and duplex residential uses.

- (1) Applicability.
 - a. The tree conservation requirements under Division IV of this Article, apply to all developments, including residential subdivisions, but not to the construction of individual houses.
 - b. Stormwater detention ponds in a residential subdivision must be screened in accordance with Sec. 8089.
- (2) Single-family and duplex residential lots.
 - a. Each single-family residential lot within a subdivision will be required to meet the buffer requirements listed below in Table 8.3 Residential Lot Buffers unless reduced or eliminated by the Director of Development Services based on the conditions on the property.

Table 8.3 Residential Lot Buffers

Lot Size	Minimum Buffer Width ¹	Minimum Understory Trees	Minimum Overstory Trees	Placement
10,000 SF	20'	1/250 SF	1/500SF	Every other property line
15,000 SF	20'	1/250 SF	1/500SF	Every other property line

32.670 SF	20'	1/250 SF	1/500SF	Every property line
1 acre	20'	1/250 SF	1/500SF	Every property line

¹ Each buffer width is 10' on either side of the property line for a total of 20'.

- b. If trees exist within the buffer that exceed 20' dbh, then the requirements of Table 8.3 may be modified upon the recommendation of the Douglas County Arborist.
- c. If all criteria in Table 8.3 are met within the buffer area with existing trees, the buffer may remain undisturbed. Adequate undisturbed buffer means any combination of the requirements in Table 8.3.
 - 1. All undisturbed buffers and trees must be shown on a tree survey indicating the root zone of each tree of a minimum of 1.5 times the dbh. No land disturbance shall be allowed within the root zone of any undisturbed tree.
- d. All buffer areas that do not meet the criteria in Table 8.3 or those which must be cleared for lot development will meet the following:
 - 1. All replanted buffers must be planted to 100% of the buffer area from an approved species list of trees.
 - 2. All plantings will be required to be shown on the tree conservation and landscaping plans.
 - 3. The developer will be required to submit a bond for any required plantings in the buffer at an amount specified in Section 825 of this development code.
- e. All yard areas on a single-family residential lot not otherwise covered by impervious surface or within required buffer areas shall be planted in ground cover, trees, shrubs, grass or sodded prior to issuance of a Certificate of Occupancy.
- f. Every single-family residential lot shall be provided with landscaping around the house consisting of shrubs and trees.
 - 1. Shrubs are to be provided at the rate of 1 shrub for every 6' of length of house perimeter, or portion thereof. Shrubs must be at least 12" tall (1 gallon) at the time of planting, and be of a species that will normally exceed 2' in height at maturity.
 - 2. Trees planted or retained on the lot shall achieve no less than 1.8 tree units per lot. See Table 8.4 for approved tree species.

(3) Single-family and duplex residential subdivisions.

- a. All new subdivisions shall have required berms along existing county road frontage within a required landscape strip. The height of such berm shall be determined by the classification of the existing county road; local collector - 3'; minor arterial - 3'; major arterial - 6'. All minor subdivisions are exempt from the berm requirements.
 - 1. All berms will have a maximum 3 to 1 slope.
 - 2. All berms will be landscaped and all proposed landscaping will be included on the landscape plans and approved by the Douglas County Arborist.

- b. All new subdivisions shall have landscape strips along existing county road frontage to residential lot buffer standards. The width of such landscape strip shall be determined by the classification of the existing county road; local collector - 10'; minor arterial - 20'; major arterial - 30'; minor subdivision - 10'.
 - 1. If all criteria form Table 8.3 are met with existing trees, the landscape strip may remain undisturbed. (Adequate undisturbed landscape strip means any combination of the requirements of Table 8.3).
 - 2. All replanted landscape strips must be planted to 100% of the buffer area from an approved species list of trees.
 - 3. All replanted landscape strips must meet the criteria established in Table 8.3 regarding buffers.

804 (b) Multi-family and nonresidential uses.

Landscaping shall be installed on the property of any multi-family or nonresidential use or development as a condition of site plan approval, or issuance of a development permit or building permit, whichever occurs first. Landscaping shall be provided in accordance with the requirements of this Article, which include the following:

- (1) Within the yard areas and in landscape strips along the street frontages of certain properties, as required under this Division.
- (2) Within parking lots containing 5 or more parking spaces, and between such parking lots (as well as loading areas) and streets from which they are visible, as required under Division II of this Article.
- (3) As zoning buffers between incompatible land uses and zoning districts, as required under Division III of this Article.
- (4) As replacement trees for those removed during construction, or as a supplement, in order to achieve tree density standards for tree conservation, as required under Division IV of this Article.

804 (c) Specific district or land use requirements.

Landscaping requirements for specific zoning districts or land uses are as follows:

- (1) Telecommunications Towers.
 - a. Landscaping shall effectively screen the view of telecommunications facilities, equipment, equipment shelters or cabinets, associated buildings and fencing, where required, from adjacent public right-of-ways, public property and residential property.
 - b. Native vegetation and existing topography on the site shall be preserved or improved to the greatest practical extent. Disturbance of the existing topography shall only be permitted when, in the opinion of the Director of Development Services, it would result in less visual impact of the site to the surrounding area.
 - c. The Director of Development Services or Board of Commissioners may waive or modify the landscaping requirements where lesser requirements are desirable: for visibility or security purposes; for continued operation of existing bona fide agricultural or forest uses such as farms, nurseries and tree farms; other remote agricultural or rural locations; for placement of an antenna on an existing structure; or for developed heavy industrial areas.
- (2) Multi-family, office and commercial districts (RHD, PRD, OI, CG and CH).

All multi-family, office and commercial development within the RHD, PRD, OI, CG and CH districts not located within the O-QGD District shall maintain a continuous 10-foot wide frontage landscape strip adjacent to all street rights-of-way. This landscaping area shall be landscaped in accordance with the requirements of this Division. The location and detail of all required

landscaping shall be depicted on the site landscaping plan (see the Procedures and Permits Article of this Code).

(3) Manufactured home developments (R-MH)

The landscaping requirements for properties located in the R-MH zoning district are found Restrictions on Particular Uses Article of this Code.

(4) Industrial districts (LI, LI-R and HI).

The location and detail of all required landscaping shall be depicted on the site landscaping plan (see the Procedures and Permits Article of this Code).

a. Frontage landscaping strip.

For all property located in the LI, LI-R and HI zoning districts, at least a 15-foot wide strip adjacent to the street right-of-way shall be landscaped in accordance with the requirements of this Division.

b. Side and rear yard landscaping.

Unless otherwise included within a zoning buffer required under Division III of this Article, all required side and rear yards shall be landscaped in accordance with the requirements of this Division.

c. Any driveways, walkways, or easements that utilize any of the required landscaped or planted strips shall be shown to be necessary and may not be installed unless approved by the Director of Development Services.

d. Other landscaping areas.

All land surfaces must be covered with buildings, paved, or covered with well-maintained grass, flowers, shrubs, or other suitable plant materials.

Sec. 805 - Frontage landscape strips; standards.

805 (a) Location of structures in frontage landscape strip.

- (1) Single-family subdivisions and lots are exempt from the requirements of this Section.
- (2) Where required under Sec. 804 or as a condition of zoning approval, frontage landscape strips shall meet or exceed the following standards:

805 (b) Location of structures in frontage landscape strip.

If a frontage landscape strip is required, it shall contain no structures, parking areas, patios, storm-water detention facilities or any other accessory uses except for the following:

- (1) Retaining walls or earthen berms constructed as part of an overall landscape design.
- (2) Pedestrian-oriented facilities such as sidewalks.
- (3) Underground utilities and fire hydrants.
- (4) Driveways required to access the property.
- (5) Signs otherwise permitted by this Code.

805 (c) Landscaping required in frontage landscape strips.

- (1) All portions of a required frontage landscape strip shall be planted in trees, shrubs, grass or ground cover, except for those ground areas that are covered by permitted structures. See Table 8. for approved tree species.

- (2) Trees shall be provided within the frontage landscape strip at the rate of one tree unit for every 60 feet of length of street frontage, or portion thereof (excluding driveways). Such trees may be understory or overstory trees, but must be of a type that is suitable to local growing conditions. Trees may be clustered for decorative effect following professional landscaping standards for spacing, location, and design.
- (3) Trees provided in a frontage landscape strip shall be credited toward the tree conservation requirements of this Article.
- (4) Upon planting, new trees shall have a caliper of no less than 2 inches, and may be clustered for decorative effect following professional landscaping standards for spacing, location, and design.
- (5) Trees and shrubs in the frontage landscape strip are not to extend into the street right-of-way, nor interfere with the sight visibility requirements of this Development Code.
- (6) Shrubs are to be provided within the frontage landscape strip at the rate of 10 shrubs for every 60 feet of length of street frontage, or portion thereof (excluding driveways). Shrubs must be at least 18 inches tall at the time of planting, and be certified by a registered Landscape Architect to be of a species that will normally exceed 2 feet in height at maturity.

Sec. 806 - Side and rear yard landscape areas; standards.

806 (a) Location of structures in side or rear landscape area.

- (1) Single-family residential subdivisions and individual lots are exempt from the requirements of this Section.
- (2) Where required, side and rear yard landscape areas shall meet or exceed the following standards:

806 (b) Location of structures in side or rear landscape area.

If side and rear yard landscape areas are required, they shall contain no structures, parking areas, patios, storm-water detention facilities or any other uses except for the following:

- (1) Retaining walls or earthen berms constructed as part of an overall landscape design.
- (2) Underground utilities and fire hydrants.
- (3) Driveways required to access neighboring property.

806 (c) Landscaping required in side and rear landscape areas.

- (1) All portions of a side or rear yard landscape area shall be planted in trees, shrubs, grass or ground cover, except for those ground areas that are mulched or covered by permitted structures. See Table 8. for approved tree species.
- (2) Trees shall be provided within the side or rear yard landscape area at the rate of at least 1 tree unit for every 60 feet of length or portion thereof, or the side yard landscape strip may be planted in a continuous hedge (penetrated only by approved access drives and utility easements).
- (3) Trees provided in a side or rear yard landscape area shall be credited toward the tree conservation requirements of this Article.

Sec. 807 - Screening of trash storage containers.

All exterior commercial trash storage containers shall be screened so that they are not visible from off the property, and a permanent masonry or frame enclosure shall be provided for each such bin. A detailed drawing of enclosure and screening methods to be used in connection with trash bins on the property shall be included with the site landscaping plan. All exterior commercial trash storage containers shall be screened so that they are not visible from any adjacent property or right-of-way. The screening must be a minimum of 8' in height on three sides and made of brick, granite, stone, marble or cementitious stucco

with a locking gate. All containers must be located behind the building which they serve. All containers shall be placed on a pad constructed with a minimum 3,000 psi concrete and being 12' wide × 20' deep × 6" thick. The concrete pad must extend to a minimum of 10' in front of the enclosure. A detailed drawing of enclosure and screening methods to be used in connection with trash bins on the property shall be included with the site landscaping plan.

Sec. 808 - Screening of air conditioning units.

In any office/commercial or industrial zoning district (see Table 2.1), ground based and roof mounted heating and air conditioning units shall be screened from view from any street or adjoining residential property.

Sec. 809 - Screening of stormwater detention ponds.

A visual screen shall separate and screen all stormwater detention or retention facilities from view from any adjacent street and any adjoining or contiguous property, except for penetrations for required access. The fencing, vegetation, and/or berm used as a visual screen shall not block or obscure the required site line at driveways and intersections or diminish the sight distance required for visibility at those locations. The visual screen shall comply with the following standards:

(1) Minimum required screening.

Minimum required screening shall achieve an opaque visual screen to a height of 4 feet using the materials listed below.

(2) Materials.

The visual screen may be formed through the retention of existing vegetation, the planting of new vegetation, the creation of a planted hedge, the construction of a fence or wall or earthen berm, or any combination of these approaches.

a. Fencing or masonry walls.

Fences and masonry walls shall present a finished and decorative appearance where possible. Shrubs, ground covers, or other vegetation shall be provided in front of the fence or wall where slopes permit as determined by the Douglas County Arborist so as to provide a decorative effect, following professional landscaping standards for spacing, location and design. Wooden and woven-wire fences shall not be used; dark vinyl-coated chain-link fencing may be used for security; vinyl materials that simulate wooden fences in appearance may be used.

b. Planted materials or natural vegetation.

Any combination of existing and newly planted vegetation may be used that can reasonably be expected to create an opaque evergreen visual screen 4 feet high within two growing seasons.

c. Earthen berms.

When using an earthen berm, the maximum side slope shall not exceed 50% (1 foot of vertical rise to 2 feet of horizontal run) with a minimum crown width of two feet. The berm shall be planted with ground cover, shrubs, trees or other landscaping materials to achieve a total screening height of 4 feet.

DIVISION II. - PARKING LOT AND LOADING AREA LANDSCAPING.

Sec. 810 - Parking lot plantings.

Overstory trees shall be provided within or adjacent to any parking lot designed or intended to accommodate 5 cars or more for residents, employees, customers and visitors (meeting the Parking and Loading Requirements Article of this Code), in accordance with the requirements of this Section. In addition to trees, landscaping is required within such parking lots for 5 or more cars as provided in this Section, below.

810 (a) Parking areas exempt.

Parking lots for company-owned vehicles, vehicle sales lots and rental agency storage lots are exempt from the requirements of this Sec. 810.

810 (b) Landscape areas required.

The following applies to any parking lot designed or intended to accommodate 5 cars or more.

- (1) Landscape islands, strips or other planting areas shall be located within the parking lot and shall constitute at least 8% of the entire area devoted to parking spaces, aisles and connecting driveways.
- (2) Landscape islands, strips or other planting areas shall be landscaped with any combination of such plant materials as trees, shrubs, grass or ground cover. Such planting areas shall be well drained and contain suitable soil and natural irrigation characteristics for the planting materials they contain.
- (3) As a minimum, a landscaping island shall be located at the end of every parking bay between the last parking space and an adjacent travel aisle or driveway. The island shall extend the length of the parking bay and shall be no less than 8 feet wide for at least two-thirds the length of the adjacent parking space.
- (4) Landscape islands between side-by-side parking spaces shall be no less than 8 feet in width and extend for at least one-half the length of the adjacent parking space. Landscaping strips between head-to-head parking spaces shall be no less than 5 feet in width and provided with wheel stops in the parking spaces such that no vehicular overhang is permitted.

810 (c) Trees required.

The following applies to any parking lot designed or intended to accommodate 5 cars or more.

- (1) Shade trees (deciduous overstory trees) shall be provided within or immediately adjacent to and surrounding the parking lot at a ratio of at least 0.3 tree units for every 8 parking spaces, or portion thereof. See Table 8. for approved tree species.
- (2) Trees must be placed in or around the parking lot such that every parking space is within 40 feet of a shade tree. The 40-foot distance is measured from the center of the tree to any point within the parking space.
- (3) New trees shall have a caliper of no less than 2 inches upon planting, and shall be maintained in good condition. Trees that must be removed as a result of disease, damage or death, must be replaced.
- (4) All trees retained or provided under this Section may be counted toward the minimum tree conservation provisions of this Article.

810 (d) Tree planting areas.

Tree planting areas shall be no less than 11 feet in width at their widest point and shall provide at least 160 square feet of useable planting area per tree. No tree shall be located less than 5 feet from the back of curb. All parking lot landscape islands, strips or other planting areas shall be curbed in accordance with County specifications.

810 (e) Parking lot lighting.

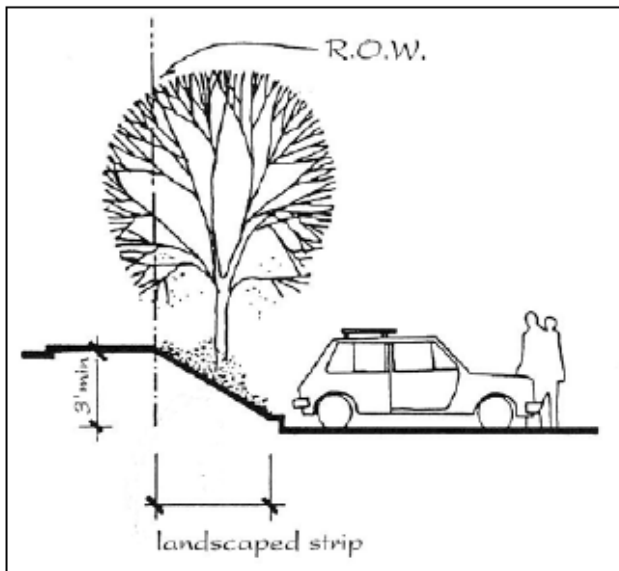
Lighting standards in and surrounding parking lots shall not conflict with tree locations, considering the height and breadth of the trees normally achieved at maturity and their root systems. Only non-spill lighting shall be allowed.

Sec. 811 - Parking lot screening.

Any parking lot designed or intended to accommodate 5 cars or more for any purpose, or to accommodate the parking of any number of trucks or vans, which is visible from a street right-of-way, must provide a landscaped visual screen of the parking lot that meets the requirements of this Section. Truck loading areas shall be screened in accordance with the requirements of Sec. 812.

811 (a) Visual screening required.

- (1) Decorative visual screening shall be provided to a height of 3 feet above the elevation of the parking/loading area or the street, whichever is highest. If the parking/loading area is 3 feet or more below the street shoulder, no screening is required.



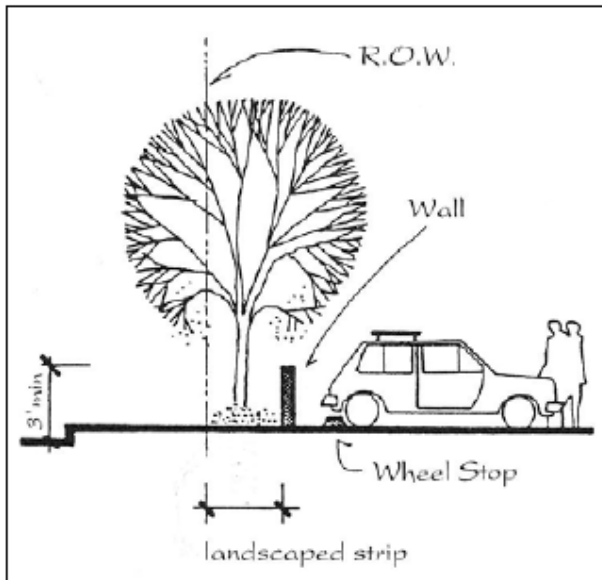
- (2) The screening may be included within any frontage landscape strip required by this Article.

811 (b) Screening alternatives.

The decorative visual screening may be provided in any of the following ways:

- (1) *Planted only* . A hedge consisting of at least a single row of shrubs planted 3 feet on center that will spread into a continuous visual screen within 2 growing seasons. Shrubs must be at least 12 inches tall (1 gallon) at the time of planting, and be certified by a registered Landscape Architect to be of a species that will normally exceed 3 feet in height at maturity and are suitable for the parking lot application. The hedge must be set back at least 4 feet from the street right-of-way line.
- (2) *Earthen berm* . An earthen berm constructed to a height of 3 feet above the adjacent elevation of the street or parking/loading area, whichever is highest, shall not exceed a slope of 50% (1 foot of vertical rise for every 2 feet of horizontal run) and shall have a crown of at least 2 feet. The berm shall be planted in ground covers and other plant materials to achieve a decorative effect to the reasonable satisfaction of the Development Services Director.

- (3) **Wall** . A wall of brick, stone or finished and textured concrete may be constructed to the required height, and landscaped with plant material to achieve a decorative effect to the reasonable satisfaction of the Development Services Director. The wall must be set back at least 4 feet from the street right-of-way line.



- (4) **Decorative fence** . A fence constructed of imitation-wood vinyl pickets, or of wrought iron with masonry columns, may be constructed to the required height, and landscaped with plant material to achieve a decorative effect to the reasonable satisfaction of the Development Services Director. The fence must be set back at least 4 feet from the street right-of-way line.
- (5) **Combination** . Any combination of hedge, berm, wall or fence that effectively provides a visual screen of the parking lot or loading area to a height of 3 feet and achieves a decorative effect through appropriate use of landscaping and plant material.

811 (c) Obstructions to sight distance.

All landscaping and other screening devices placed along street rights-of-way and driveways must be designed and installed in a manner consistent with the requirements of this Development Code regarding visibility clearance.

Sec. 812 - Screening of truck loading areas.

812 (a) Visual screening required.

All truck loading areas shall be effectively screened from any adjacent residential property and from all streets or highways. The location and detail of all zoning buffers and screening shall be depicted on the required landscaping, buffers and tree conservation plan.

812 (b) Screening alternatives.

- (1) All loading areas shall be screened from street or adjacent property view by an attractive solid masonry wall finished on the exterior side by the same material used for the facade of the building. One exception shall be the location of such areas adjoining the same or similar area of a common or adjoining property. Such wall shall be not less than five feet in height and no more than eight feet in height. Specific height shall be determined by the Development Services Director during the site plan review process.

- (2) A portion of the required wall screening not to exceed 25 percent may be substituted in the form of a natural or structural zoning buffer meeting the requirements of Sec. 815 if conditions warrant as determined by the Development Services Director.

DIVISION III. - ZONING BUFFERS BETWEEN INCOMPATIBLE LAND USES.

The purpose of this Division is to protect the atmosphere and tranquility of the residential community and to create an aesthetically pleasing environment.

Sec. 813 - Zoning buffers; where required.

813 (a) Nonresidential zoning districts.

- (1) When any commercial, industrial or office zoning district (as identified on Table 2.1) abuts a residential district, a natural zoning buffer 50 feet deep at a line where the two districts abut will be required. Natural buffers shall be supplemented with native plantings when the natural buffer does not provide a minimum of 80% opacity between the proposed use and the adjacent residential district. These plantings shall include a mixture of canopy trees (50% must be evergreen), understory trees, evergreen coniferous trees and shrubs. Canopy trees shall be no less than 3 inches in caliper and no less than 15 feet in height at the time of planting with a mature height of no less than 25 feet.
- (2) When a natural zoning buffer is impossible or undesirable, a 50-foot wide structural zoning buffer meeting the requirements of this Division may be allowed by the Director of Development Services.

813 (b) Townhouse Condominium Residential Development

- (1) Whenever any townhome property abuts an R-A Residential-Agricultural or R-LD Low Density Single-family Residential zoning district, a zoning buffer at least 40 feet deep at the line where the two districts abut will be required.
- (2) In addition, an attractive solid masonry wall finished on the exterior side by the same material used for the facade of the building at least 6 feet in height shall be required along any drive, parking area, or recreation area adjacent to said required zoning buffers.

813 (c) Multi-family Residential Development

- (1) Whenever any multi-family property abuts an R-A Residential-Agricultural or R-LD Low Density Single-family Residential zoning district, a zoning buffer at least 50 feet deep at the line where the two districts abut will be required.
- (2) In addition, an attractive solid masonry wall finished on the exterior side by the same material used for the facade of the building at least 6 feet in height shall be required along any drive, parking area, or recreation area adjacent to said required zoning buffers.

813 (d) R-MH Manufactured Home Residential District.

- (1) A zoning buffer at least 30 feet deep along all exterior property lines will be required on any property developed in the R-MH zoning district.
- (2) In addition, a chain link or better fence at least 6 feet in height shall be required along every exterior property line.
- (3) Each development shall be landscaped with overstory trees, preferably with suitable mature trees that were established on the site prior to development.

Sec. 814 - Zoning buffers; when required.

Zoning buffers are required to be provided or created at the time of construction of any new development.

Sec. 815 - Zoning buffer design standards.

815 (a) General.

Zoning buffer areas shall contain no driveways, parking areas, patios, storm-water detention facilities, or any other structures or accessory uses except for an approved fence, wall, or earthen berm constructed to provide the visual screening required to meet the standards of this Development Code. Underground utilities may be permitted to cross a zoning buffer if the screening standards of this Development Code will be subsequently achieved. Vehicular access through a zoning buffer may be allowed only as a condition of rezoning or Special Use approval by the Board of Commissioners.

815 (b) Width of Zoning buffer.

- (1) Zoning buffers required along any lot line shall be no less than the minimum required under Sec. 813.
- (2) When a proposed development adjoins an existing development but the full width of the required zoning buffer does not exist, the new development shall provide a zoning buffer of adequate width to meet the full width required under Sec. 813 when considered in combination with any existing zoning buffer on the property of the adjoining development.

815 (c) Minimum Required Screening.

Minimum required screening shall consist of a natural zoning buffer or a structural zoning buffer, whichever provides an opaque evergreen visual screen to a height of 6 feet, or any combination of existing and replanted vegetation which can reasonably be expected to create an opaque visual screen 6 feet high within two growing seasons.

815 (d) Natural zoning buffers.

- (1) Natural zoning buffers may contain deciduous or perennial vegetation, but shall contain evergreen shrubs and trees suitable to local growing conditions that will provide an opaque visual screen during all seasons of the year.
- (2) If there are not sufficient trees to adequately screen the development from the residential district in both summer and winter, additional evergreen trees and/or shrubs such as Deodar Cedar, Nellie R. Stevens Holly, Leyland Cypress, or Loblolly Pine, at least 5 feet tall at the time of planting shall be planted to create a dense buffer. Other evergreen trees may be selected from Table 8..

815 (e) Structural zoning buffers.

Structural zoning buffers shall meet the following criteria:

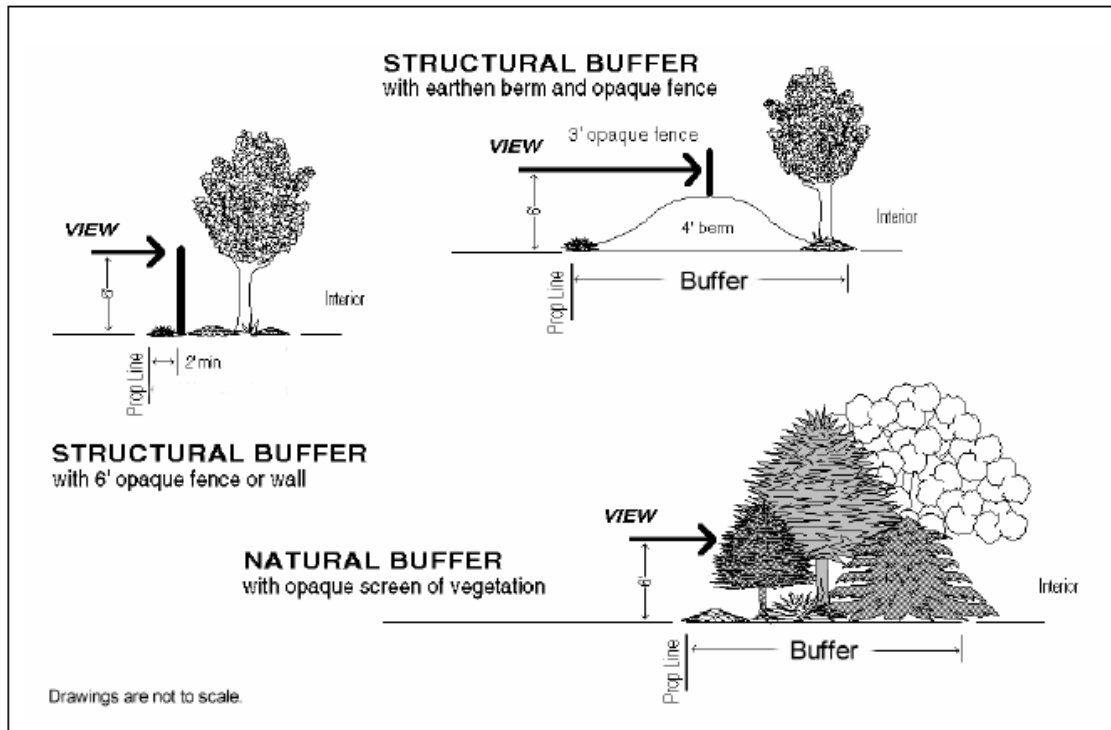
- (1) Structural zoning buffers shall be vegetated throughout the minimum area required for the zoning buffer around any fences or walls and upon any earthen berms, which may include grass, ground covers, shrubs, and trees.
- (2) All earthen berms shall have a maximum side slope of 50% (1 foot of vertical rise to 2 feet of horizontal run). Earthen berms shall not be constructed within the drip line of any existing trees that will remain on the property.
- (3) Trees shall be located or planted within any structural zoning buffer at a density of no less than one tree unit for each 30 feet of buffer length or portion thereof. New deciduous trees shall have a caliper of no less than 2 inches upon planting, and new evergreens shall be at least 5 feet tall when planted. Trees may be clustered for decorative effect following professional landscaping standards for spacing, location, and design.
- (4) Freestanding walls shall present a finished and decorative appearance to the abutting property, and shall be located no closer to the property line than 2 feet. Shrubs, ground covers, or other

vegetation shall be provided between the wall and the property line so as to provide a decorative effect, following professional landscaping standards for spacing, location and design.

- (5) Wooden and woven-wire fences shall not be used in structural zoning buffers. Vinyl materials that simulate wooden fences in appearance may be used.

Examples of Zoning Buffers.

The accompanying illustration provides examples of natural and structural zoning buffers. Other solutions meeting the minimum requirements of this Section are also acceptable.



Sec. 816 - Maintenance of zoning buffers.

816 (a) Responsibility.

Every zoning buffer required by this Article shall be maintained by the owner of the property where the buffer is located, so as to provide an opaque visual screen to a height of 6 feet on a continuous, year-round basis.

816 (b) Inspection of required zoning buffers.

In the event a screen, wall, fence, planted dividing strip or any other type of zoning buffer is required by these regulations for any use or is required by the board of appeals, such screen, wall, etc., will be subjected to periodic inspections by the zoning department to determine that such required walls, fences, etc., are being properly maintained. After a lot is rezoned and a zoning buffer is required, the lot shall not be used unless and until the required buffer is in place and is the required height and width. Failure to maintain such required walls, fences, etc., to an acceptable standard may be deemed a violation of these regulations.

Sec. 817 - Zoning buffer modifications.

817 (a) Automatic reduction in zoning buffer width.

If a structural zoning buffer is provided that creates an opaque screen to a height of no less than 8 feet instead of 6, the buffer may be reduced to a width of no less than 60% of the buffer width otherwise required, but no less than 20 feet.

817 (b) Location of zoning buffers.

Zoning buffers may be relocated on the site to best achieve the screening required, depending on the topography of the site and visibility from the adjoining property.

817 (c) Waiver for unnecessary zoning buffers.

The Board of Commissioners may waive a zoning buffer requirement or reduce its extent to a temporarily appropriate level of screening as a special use approval if the Comprehensive Plan anticipates future development on the adjoining property in a land use category such that a buffer would not be required by this Code once the adjoining property is rezoned or developed.

DIVISION IV. - TREE CONSERVATION.

Sec. 818 - Tree conservation; intent and findings.

818 (a) Intent.

The intent of this Division is to provide standards for the protection or replacement of trees as part of the land development and building construction process within Douglas County; to make the County an attractive place to live and to provide a healthy living environment; to better maintain control of storm water runoff, noise, glare, and soil erosion; and to preserve, protect, and promote the general health, welfare, and safety of the public.

818 (b) Findings.

- (1) Trees provide food and shelter for wildlife.
- (2) Trees reduce noise, glare and provide wind breaks.
- (3) Trees, through transpiration, purify the air.
- (4) Trees intercept airborne particulate matter and reduce some air pollutants.
- (5) Trees provide oxygen and reduce the level of carbon monoxide in the air.
- (6) Trees are vital in erosion control, soil conservation, and the reduction in stormwater runoff.
- (7) Trees moderate the climate.
- (8) Trees increase property value.
- (9) Trees provide aesthetic amenity.
- (10) Trees improve the quality of water.

Sec. 819 - Tree conservation; where required.

Tree conservation in accordance with the provisions of this Division shall be applied to every activity that requires the issuance of a land disturbance permit under this Development Code, except for activities otherwise exempted under this Section.

819 (a) Application to new development or disturbed areas.

The terms and provisions of this Development Code shall apply to any activity on real property within unincorporated Douglas County, including, but not limited to, the following:

- (1) All new commercial, industrial, and/or manufacturing development and expansion of existing commercial, industrial, and/or manufacturing development into undisturbed areas;
- (2) All new residential subdivisions and expansion of existing subdivisions (new units and/or phases);
- (3) All new planned unit developments and expansion of existing planned unit developments into undisturbed areas;
- (4) All new multi-family developments and expansion of existing multi-family developments into undisturbed areas; and
- (5) All new townhouse developments and expansion of existing townhouse developments into undisturbed areas.
- (6) Residential subdivisions.

Residential subdivisions shall achieve the total tree density required under this Division upon completion of infrastructure construction. At a minimum, the subdivider must fully meet the tree density requirements of this Division prior to approval of a final plat, or commit to such achievement through performance surety for tree planting in accordance with the provisions of Section 825 (a)(3) of this Article. Trees to be planted on individual lots in accordance with Section 804 (a)(2) may be counted toward achieving the tree density requirement for the subdivision as a whole.

- (7) Nonresidential subdivisions.

New commercial and industrial subdivisions are subject to a two-staged review process by the Director of Development Services (for the infrastructure and later for each individual lot). For this reason, these subdivisions may base density calculations on the net disturbed site area defined by the limits of clearance and construction) The phase 1 plan shall address the method and timing of ultimate compliance with this Division.

- (8) Nonresidential out-lots.

Out-lots and separate parcels of a phased-unit development must collectively meet minimum requirements for site density; however, in no case may an individual out-lot have less than 14 tree units per acre.

- (9) Additions to Existing Projects.

For additions to existing projects, the density requirements may be met in one of the following ways:

- a. Calculate the area of any new land disturbance and/or improvements and add replacement trees based on that area (existing trees elsewhere on the site may not be counted with this option); or,
- b. Base density requirements on the total site area and count any existing trees on the site (subject to the restrictions of the next Section).

- (10) Phased Projects and Reduced Net Site Areas.

- a. Where development is going to occur in phases (by design or by implication), density calculations must be based on a site area defined by an established or estimated phase line.
- b. Similarly, a reduced net site area may be achieved by using only the area of actual site disturbance (new projects only), provided that a limits of construction line is clearly shown on the plan (existing trees elsewhere on the site may not be counted with this option).

- c. In both instances, the following criteria are applied regarding existing trees:
 - 1. Existing trees to be counted toward meeting the density requirements should be within the phase line or limits of construction.
 - 2. If the tree save areas must be established outside these areas, they must be located where future development will not impact them.
 - 3. The trees in areas outside the phase line or limits of construction may not be counted toward the density requirement of subsequent phases or new projects.

819 (b) Exemptions from tree conservation requirements.

The tree conservation requirements shall not apply to the following:

(1) Agricultural operations.

Property in use for agricultural tree harvesting (as defined by this Code) or other agricultural activities (as defined by this Code) are exempt.

- a. Timber Harvesting Activity may only be conducted upon submission to the Department of Development Services the completed form for *Notice of Timber Harvesting Activity, Official Code of Georgia Annotated, Section 12-6-24, Georgia Forestry Commission*, as may be updated from time to time.
- b. If a property is clear-cut for any purpose other than a bona fide agricultural use, or the timber is harvested without complying with the requirements of this subsection, a building permit or project approval may not be approved on the property for a period of 3 years. This restriction may only be waived by the Board of Commissioners as a special use by majority vote. Such waiver may be based on a valid excuse for the clear-cutting, or on remedial action such as the replanting of trees.

(2) Diseased trees.

Removal of diseased or infested trees, after verification by the Douglas County Extension Agent or other qualified forestry professional acceptable to the Director of Development Services, is exempt.

(3) Utility construction.

Public utility companies and government agencies conducting operations on public and utility rights-of-way and easements or on sites for electric power substations and similar facilities, which operations are for the purpose of assuring uninterrupted utility and governmental services and unobstructed passage on public streets, are exempt.

(4) Roadway construction.

Land clearing for designated roadway projects of the Georgia Department of Transportation and the Douglas County Board of Commissioners is exempt.

819 (c) Clearing and/or Grading only Permits.

- (1) When seeking a limited land disturbance permit (i.e. clearing, clearing and grading, or grading only), it is necessary for applicants to show compliance with the required tree density standard.
- (2) If trees exist on the site, the required tree density standard should be met with those trees. If this cannot be done, replacement trees are required. A replacement tree plan must be a part of the approved clearing and/or grading plan.

Sec. 820 - Trees to be provided or retained.

820 (a) Tree Conservation Plan required.

- (1) A Tree Conservation Plan must be submitted along with the other required documents for the issuance of a land disturbance, construction, or other applicable permit by the Department of Development Services. Tree Conservation Plans must be prepared by a professional Landscape Architect, Urban Forester, Arborist, Registered Land Surveyor, or Professional Engineer in accordance with the Procedures and Permits Article of this Development Code.
- (2) The Tree Conservation Plan must be shown on a copy of the preliminary plat or site plan, drawn to the same scale as the other plan documents prepared for a land disturbance permit on the property, and shall cover the same area.
- (3) The Tree Conservation Plan shall comply with the *Community Planting and Establishment Guidelines* of the Georgia Forestry Commission, current edition, as applicable.
- (4) Application Requirements:
 - a. Pre-application Conference. Prior to submission of an application for development, the applicant must meet with the County Arborist to discuss the tree protection ordinance as it relates to the applicant's property. The purpose of the pre-application conference is to clarify the provisions and procedures of the tree ordinance and review applicable standards and guidelines for the submittal of documents and required tree protections, replacement and maintenance.
 - b. Tree Survey. Except as provided elsewhere in this section, a tree survey shall be required as part of any application for a land disturbance permit, building permit, or preliminary subdivision plat. Except as provided elsewhere in this section, all trees eighteen (18) inches (DBH) and larger shall be identified. Specimen trees shall be identified by size, species and location. Trees larger than four (4) inches (DBH) may be identified and counted for unit credit on tree plan. With prior approval of the County Arborist, sampling methods may be used to determine tree densities for forested areas.

(5) Tree Protection Plan.

A tree protection plan shall be submitted with other permit drawings as part of the development process. This plan may either be a separate drawing, or part of a landscape plan, and shall include the following information:

- a. Definition of Spatial Limits:
 1. Limits of land disturbance, clearing, grading and trenching;
 2. Tree save areas;
 3. Specimen trees;
 4. Areas of re-vegetation.
- b. Detailed drawings of tree protection measures and their location:
 1. Location, species, size (DBH) of existing significant trees and an indication of which trees will remain on site;
 2. Tree protection fences;
 3. Erosion control fences;
 4. Tree protection signs;
 5. Tree wells;
 6. Aeration systems;
 7. Transplanting specifications;
 8. Staking specifications; and
 9. Other applicable drawings as determined by the County Arborist.

- c. The tree protection plan shall show all utility lines existing and proposed, including irrigation and electric lighting lines. The applicant shall coordinate the location of these utility lines with the utility companies in order to prevent root damage within the critical root zones of protected trees, and to minimize damage to trees located in protected zones.
- d. Procedures and schedules for the implementation, installation and maintenance of tree protection measures.
- e. Tree protection inspection. Following the receipt of a complete application, the County Arborist shall schedule an inspection of the proposed development site. The applicant or applicant's designee shall be advised as to the date and time of the inspection and given an opportunity to participate.
- f. Following inspection, said plans shall be reviewed by the Arborist for conformance with applicable zoning conditions, the tree protection ordinance and any applicable administrative guidelines, and will either be approved or denied. Reasons for denial shall be noted on the tree protection plan or otherwise stated in writing.
- g. No development or building permit shall be issued until the tree protection plan has been approved by the County Arborist.
- h. All tree protection measures shall be installed prior to land disturbance.
- i. Final Inspection. No certificate of occupancy or final plat shall be approved by the Director until the County Arborist has inspected the site and confirmed that all existing trees to remain are in healthy condition and all replacement trees have been planted in accordance with this section.
- j. Issuance of a building or land disturbance permit shall be conditioned on the approved tree protection plan and conformance to the provisions of these regulations. Any permit may be voided if its terms are violated.

820 (b) Number of tree units upon completion of development.

(1) Minimum standards.

- a. On each property for which a Tree Conservation Plan is required by this Development Code, existing trees may be retained and new trees shall be planted so that the property shall attain or exceed the required tree density standard for the proposed use, exclusive of any acreage within a zoning buffer area (as required under this Article) or a stream buffer (as required under the Environmental Protection Article of this Code). Existing tree retention, as opposed to tree clearing and replanting, is encouraged by this Development Code.
- b. The minimum required tree density standard shall be as follows:
 - 1. Residential—18 tree units per acre.
 - 2. Office/Commercial—20 tree units per acre.
 - 3. Industrial—15 tree units per acre.

(2) Proposed project's tree density calculation.

The proposed project's tree density shall be calculated by summing the credits for trees to be retained and trees to be planted, and dividing that number by total acreage of the project (excluding zoning buffer and stream buffer acreage).

(3) Achieving tree density required.

Every reasonable effort must be made to achieve the minimum required tree density standard on each development site. However, this Development Code contemplates that, due to topographic or other conditions, the exact number of tree units required by the proposed project's tree density calculation may not be able to be planted and still meet professional

standards for spacing and survival. A method of alternative compliance, therefore, is provided under Sec. 822 of this Article.

Example Calculation of Tree Units Required

Example: 24.6 acre commercial project with 3.2 acres in zoning buffers and 2.6 acres in stream buffers on the site.	
Total Property	24.6 acres
Area in Zoning Buffers	-3.2 acres
Area in Stream Buffers	-2.6 acres
Net Area subject to Tree Conservation	18.8 acres
Times minimum units per acre	× 20.0
Total Tree Units Required	376.0 units

820 (c) Specimen trees.

Douglas County strongly advocates the preservation of specimen trees. In order to encourage the preservation of specimen trees and the incorporation of these trees into the design of projects, the following shall apply:

- (1) All specimen trees shall be located on the grading plan or the landscaping, buffers and tree conservation plans, whether or not the trees are proposed to be retained.
- (2) Additional density credit will be given for specimen trees that are successfully saved by a design feature specifically designated for such purpose. Credit for any specimen tree thus saved would be 2 times the assigned unit value shown in Table 8.1 when using the extraordinary measures associated with protecting and assuring the survival of such trees.
- (3) If a specimen tree is to be removed, a landscaping or tree conservation plan indicating such removal and a written document indicating the reason for the removal must be submitted to the Arborist during plan review.
- (4) If the removal of a specimen tree is approved on the construction plans it shall be replaced with three times the unit value and must be replaced by species with potential for comparable size and quality.
- (5) Any specimen tree which is removed without the appropriate review and approval of the arborist must be replaced by trees with a total density eight (8) times the unit value of the tree removed. There will be a misdemeanor charge with a fine up to \$1,000 for each offense. Size alone will determine whether a tree was of specimen quality if the tree is removed without approval and there is no evidence of its condition.

- (6) A lesser sized tree can be considered a specimen tree if:
 - a. It is a rare or unusual species or of historical significance.
 - b. It is specifically used by a builder, developer or design professional as a focal point in a project or landscape.
 - c. It is a tree of exceptional aesthetic quality.
- (7) The County Arborist may identify and require the preservation of a tree stand if it contains one (1) or more specimen trees and the specimen trees are interlocked with other members of the stand in such a way as to imperil the specimen tree if other members of the stand were to be removed.
- (8) Any specimen tree removed from a parcel shall be replaced by eight (8) times the equivalent inches (dbh) of replacement tree units or existing trees in the excess of the requirements of the tree preservation and replacement requirements, using species with potential for comparable size, quality and maturity.

820 (d) Tree replacement standards.

- (1) Introduction.
 - a. The following section establishes standards by which plans and field conditions are to be evaluated to determine compliance with the tree replacement intent of this Development Code.
 - b. Tree replacement plans should be prepared with appropriate consideration given to the function of trees in the urban landscape. Every effort should be made to maximize the environmental benefit of the plant material.
- (2) Planting specifications.
 - a. All new trees must be planted before the Certificate of Occupancy or Final Plat Approval, whichever is applicable, is approved by Douglas County. If, due to harsh weather conditions, the trees cannot be planted prior to the Certificate of Occupancy or Final Plat Approval, the permittee shall post an irrevocable letter of credit to the Department of Development Services in the amount of one hundred ten percent (110%) of the purchase price and installation costs of the new trees.
 - b. Trees selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor in order to assure a reasonable expectation of survivability.
 - c. Standards for transplanting shall be in keeping with those established in the International Society of Arboriculture publication *Tree and Shrub Transplanting Manual* or similar publication. Reference may also be made to the American Association of Nurserymen publication *American Standard for Nursery Stock* (ANS1260.1, 1996 or latest edition) for plant material quality specifications. Reference may also be made to the *Manual of Woody Landscape Plants* (Michael Dirr, 1983, Castle Books) or similar publication for information on tree species site requirements.
 - d. All balled and burlapped trees shall be dug with a mechanical tree spade in a wire basket with minimum 1-inch nylon strapping.
 - e. The permittee shall warrant the new trees and provide for the replacement of those that do not survive for a period of no less than 2 years.
- (3) Species.
 - a. Credit for proposed new trees will only be awarded for trees that are listed in *Recommended Tree Species Selections for Urban and Community Forest Sustainability* published by the Georgia Forestry Commission in 2020, and may be amended from time to time. Substitutions

that are approved, in advance, by the Development Services Director or his/her appointed County Arborist based on the recommendation of a Georgia registered Landscape Architect.

- b. Credit will not be given for the trees that are not listed in *Recommended Tree Species Selections for Urban and Community Forest Sustainability* published by the Georgia Forestry Commission in 2020, and may be amended from time to time.
- c. Species selected as replacement trees must be quality specimens, and must be ecologically compatible with the intended growing site. To insure diversity, a minimum of 4 species of tree shall be used. Sites requiring limited replacement shall be evaluated by the Director of Development Services to allow use of fewer species.
- d. Flowering ornamental species if not listed on Table 8. are not acceptable for use in meeting tree density requirements under this Division.
- e. Where trees must be added to achieve the required tree units per acre for the site, pines may not comprise more than 30 percent of the required units. Where existing pines already comprise 30 percent or more of the required units, no more pines may be credited toward the required units.
- f. Trees shall only be awarded credit toward the required tree units on the site when situated in areas where they may grow to mature height without pruning.

(4) Irrigation.

Newly planted trees and existing trees subjected to construction impacts typically need supplemental watering when rainfall is inadequate. Applicants should be prepared to discuss how trees are to be watered during their establishment or transition period, and shall note on the plan the method of irrigation that is proposed and attendant facilities. For hand watering, for instance, the location of hose bibs must be indicated.

(5) Placement of trees.

The replacement trees on a property shall be placed reasonably uniformly throughout the disturbed area, subject to professional standards of design and in keeping with the layout of the development.

(6) Removal of support wires.

Tree support wires are to be removed within one year of planting.

Sec. 821 - Protection of existing trees.

For existing trees that are proposed to be retained in order to meet the minimum requirements of this Code, the following provisions shall apply:

821 (a) Damage prohibited.

No person shall:

- (1) Cut, carve, or otherwise damage or remove any tree except in accordance with the provisions of this Development Code.
- (2) Attach any wire, nails, advertising posters, or other contrivance harmful to any tree.
- (3) Allow any gaseous, liquid, or solid substance that is harmful to trees (such as concrete washout, fuel, lubricants, herbicides, paint) to come in contact with them.
- (4) Set a fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree.

821 (b) Construction standards.

(1) Tree Protection Area

- a. The tree protection area shall include, as a minimum, the total area of the critical root zone (CRZ). All construction activities are prohibited from the tree protection area. Protective tree fencing shall be installed between tree protection areas and areas proposed to be disturbed prior to any land disturbance, and shall remain in place during the complete construction period. Signs shall be posted at least every 100 feet around the perimeter of each tree protection area stating "Tree Protection Area - No Construction or Equipment Encroachment." All tree protection areas must be protected from soil erosion and sedimentation through the use of silt screens and other acceptable measures placed upslope from the tree protection area
- b. If encroachment into a tree protection area occurs which causes irreparable damage to the trees, the Tree Conservation Plan shall be revised by the permittee to compensate for the loss, and the revised plan must be acceptable to the Development Services Department.

(2) Purpose of tree protection devices.

Tree protection devices are necessary to eliminate activities detrimental to trees including but not limited to:

- a. Soil compaction in the tree protection area resulting from heavy equipment, vehicular or excessive pedestrian traffic, or storage of equipment or materials;
- b. Root disturbance due to cuts, fills or trenching,
- c. Wounds to exposed roots, trunks or limbs by mechanical equipment; -
- d. Other activities such as chemical storage, cement truck cleaning, fire, or other activities that will damage the critical root zone.

(3) Location and types of tree protection devices.

- a. Tree protection devices are to be installed as shown on the plan or otherwise completely surrounding the tree protection area.
- b. The plan shall indicate whether the tree protection device is to be active or passive.
- c. Active protection (see Materials section below) is required where tree protection areas are located in proximity to construction activity.
- d. The locations of all tree protection devices will be verified prior to the issuance of the construction permit for clearing and/or grading.
- e. Once tree protection areas are established and approved, any changes are subject to Development Services Department review.

(4) Materials.

Active tree protection shall consist of chain link, orange laminated plastic, wooden post and rail fencing or other equivalent restraining material.

(5) Sequence of installation and removal.

All tree protection devices shall be installed prior to any clearing, grubbing or grading. The Development Services Department must inspect the installation of tree protection and erosion and sedimentation control devices prior to the issuance of the Development Permit. Tree protection must remain in functioning condition throughout all phases of development, but is to be removed prior to issuance of a Certificate of Occupancy.

(6) Other specifications.

- a. Clearing - Where clearing has been approved, trees shall be removed in a manner which does not adversely impact the trees to be preserved. Avoid felling trees into tree protection

areas or disturbing roots inside the protection areas. Roots shall be cut cleanly before tree removal.

- b. Erosion and Sedimentation Control - All erosion and sedimentation control measures shall be installed in a manner which will not result in the accumulation of sediment in a tree protection area.
- c. Signage - All tree protection areas shall be designated as such with "Tree Protection Area" signs posted visibly on all sides of the fenced-in area at least every 100 feet. These signs are intended to inform subcontractors of the tree protection process. Such signs shall be a minimum of 16 square feet in sign face area and shall state with minimum three inch lettering "Attention Subcontractors. You must observe Tree Protection Area—No Construction or Equipment Encroachment. You are responsible for damages" or similar wording.
- d. Signs requiring subcontractor cooperation and compliance with the tree protection standards shall be posted at site entrances.

821 (c) Prohibited activities.

- (1) Compaction prohibited.

All building materials, vehicles, construction equipment, dirt, debris, or other objects likely to cause soil compaction or above-ground damage shall be kept outside the tree protection area. Where a limited amount of encroachment is unavoidable, the tree protection area shall first be cut cleanly, then immediately mulched with a 4 inch layer of processed bark or wood chips or a 6 inch layer of straw.

- (2) Grade change prohibited.

There shall be no raising or lowering of the ground level within the tree protection area. Stripping of topsoil in the tree protection area shall not be permitted. Where necessary, the use of moderate fill is permitted only with prior installation of an aeration system. Deposition of sediment in the tree protection area shall be prevented by placement of sediment barriers, which shall be backed by 2 × 4 inch wire mesh in areas of steep slope.

- (3) Ditches prohibited.

No person shall excavate any ditch or trench within the tree protection area. Where such encroachment is unavoidable, ditches or trenches shall be so located as to minimize root damage. If roots must be cut, they must be cut cleanly and immediately mulched.

- (4) Paving prohibited.

No person shall pave with concrete, asphalt, or other impervious material within the tree protection area.

Sec. 822 - Alternative compliance.

822 (a) Overview.

- (1) The intent of the tree conservation requirements is to insure that the required density of trees is maintained on all developed sites. Occasionally, this intent cannot be met because a project site will not bear the required density of trees. To provide a viable alternative for such cases, the developer may be allowed to contribute to the Douglas County Tree Replacement Fund with the concurrence of the Director of Development Services.

COUNTY TREE REPLACEMENT FUND

Calculating Contribution Amounts

EXAMPLE: A 4.0-acre commercial development project site has the following:

- ✓ A required Tree Density Factor of 80.0 (20 units per acre x 4.0 acres).
- ✓ Existing trees that will remain, totaling 36.0 tree units.
- ✓ Enough room on the property to accommodate some new trees only 32.0 tree units.

2. 1. Determine the Tree Density Deficit as follows:

80.0 tree units required minus 36.0 existing tree units on site minus 32.0 new tree units = a deficit of 12.0 tree units

2. Determine the acceptable contribution amount as follows:

deficit of 12.0 tree units / 2-inch tree units
(0.3) x \$FEE*

In this example, $(12.0 \div 0.3) \times \$FEE =$
40 x \$FEE

*Estimated cost of purchase, delivery, installation and 2-year warranty of a 2-inch caliper tree, times 125%.

- (2) The Director of Development Services must review and approve all requests for alternative compliance. As many trees as can reasonably be expected to survive must be planted on the site in question. In no case shall more than 90% of the required tree density be met through alternative compliance.
- (3) The number of newly planted trees that can reasonably be expected to survive on a site shall be determined from the following criteria:
 - a. Overstory trees—200 square feet of pervious root zone.
 - b. Understory trees—75 square feet of pervious root zone.
- (4) The land disturbance permit will only be issued after the Development Services Department has approved the request and received the necessary documentation and/or funds.

822 (b) County tree replacement fund.

If, in the opinion of the Department of Development Services, conditions do not allow for the planting of the required tree units on site due to lot size, visibility, restrictions, etc., the permit holder may pay the County 125% of the total cost of purchase, delivery, and installation (including a 2-year warranty) of trees at 2-inch caliper, and the County will use this money for landscape design, installation of plants and landscape materials, and maintenance on public property. Actual fees shall be set by the Board of Commissioners from time to time pursuant to the Administration and Enforcement Article of this Code regarding schedules and fees.

822 (c) Fund administration.

The Douglas County Tree Replacement Fund will be administered by the Development Services Department. A report for the Douglas County Tree Replacement Fund will be made available to the Board of Commissioners by the Finance Department as part of the County's annual audit.

DIVISION V. - LANDSCAPING PLANS, INSTALLATION AND MAINTENANCE.

Sec. 823 - Site landscaping plans.

823 (a) Site landscaping plans; where required.

- (1) For development within the O-QGD District, the location and detail of all zoning buffers and screening shall be depicted on the required landscaping/Tree Conservation Plan.
- (2) For telecommunication towers, a landscape plan is required that indicates size, spacing, and type of plantings required in 804(c)(1). The plan shall indicate significant vegetation to be removed and vegetation to be replanted to replace any vegetation lost.
- (3) Landscaping, buffer and tree conservation plans are required upon application for a development permit or for a building permit for new construction of buildings in any development to which landscaping, screening, buffer or tree conservation requirements apply.
- (4) In cases where approval of the landscaping, buffer and tree conservation plans would cause harmful delay to the start of construction, the Development Services Director may issue footing and foundation permits for the project so that construction may proceed.
- (5) Permits for construction beyond the footing and foundation shall not be issued until the landscaping, buffer and tree conservation plans have been submitted and approved.

823 (b) Site landscaping plans; criteria.

The technical specifications for landscaping, buffer and tree conservation plans are found under the Procedures and Permits Article of this Code.

823 (c) Exemptions from site landscaping plan requirements.

- (1) The provisions of this section shall not apply to structures for which site landscaping plans have previously been submitted and approved.
- (2) Site landscaping plans shall be required for only that phase of development for which the development permit or building permit is being requested.

Sec. 824 - Plant materials; standards.

824 (a) Acceptable plant materials.

The following are the minimum plant sizes and conditions to be used in satisfying the requirements of this Article. Acceptable plant materials for landscaping, zoning buffers and tree replacement shall be as approved by a Georgia registered Landscape Architect or certified Arborist, or (for replacement trees), as

shown in the *Recommended Tree Species Selections for Urban and Community Forest Sustainability* published by the Georgia Forestry Commission in 2020, and as may be amended from time to time, subject to approval by the development Services Director or his/her designated County Arborist.

- (1) New plant materials
 - a. Medium shrubs (those having a mature height of 4 feet or less), 18 x 24 inch balled and burlapped or 2-gallon container. One gallon container (12 inch plant height) may be used where allowed in this Article.
 - b. Large shrubs (those having a mature height greater than 4 feet), 24 x 30 inch balled and burlapped or 3-gallon container.
 - c. Ground cover, 2½ inch pot.
 - d. Trees, minimum 2-inch caliper.
- (2) The *American Standard for Nursery Stock*, published by the American Association for Nurserymen, may be referred to for the determination of plant standards.
- (3) Existing trees that are to be retained to satisfy the requirements of this Code shall meet the following standards:
 - a. Trees shall be free from mechanical and natural injuries, insect infestations and disease.
 - b. Trees shall be protected from injury to roots, trunks and branches during grading and construction. Protective fencing, tree wells, or retaining walls shall be utilized where necessary to insure tree vigor upon completion of construction.

824 (b) Approval of plant materials.

Approval of a proposal to use a specific landscaping or buffer material shall be subject to a recommendation by a Georgia registered Landscape Architect and approval by the Director of Development Services or his/her designated County Arborist that the proposed material is the most appropriate for:

- (1) The specific location, given surrounding land uses and the type of screening used on nearby properties, and
- (2) The specific topography, soil, existing vegetation, and other factors that may influence the effectiveness of a screen material.

Sec. 825 - Installation and maintenance of plant materials.

825 (a) Installation of plant materials.

- (1) Plant materials, as required by the provisions of this Article, shall be installed prior to issuance of a Certificate of Occupancy. The Development Services Director may allow one planting season in a twelve month period in which the installation of plant materials shall be completed, subject to the performance security requirements, below.
- (2) Zoning buffers, if required, shall be installed before a Certificate of Occupancy is granted; except where the weather is not suitable for planting, and escrow provisions are made in accordance with the requirements of this Section.
- (3) Performance surety.
 - a. In such cases as when planting stock availability is low or weather conditions are not appropriate for planting new trees, the project owner may postpone planting for up to 6 months; provided that performance security in accordance with Section 1027 is posted with Douglas County. Security shall be provided in an amount equal to 110 percent of the cost of materials, installation and 2-year guarantee as demonstrated by a signed contract between

the owner and a qualified landscape contractor, and as approved by the Development Services Director.

- b. An inspection shall be made by the Development Services Department of all tree plantings to assure compliance with plan requirements prior to release of the performance security. The performance security will be drawn upon by Douglas County at the time of expiration if the planting requirements have not been fulfilled, or if the owner has not requested an extension. One 6-month extension may be permitted with documented justification acceptable to the Director of Development Services. Any inspections performed after the final inspection (for project release) are subject to reinspection fee schedules.

(4) Maintenance bond.

- a. Prior to approval of a final subdivision plat or issuance of a certificate of occupancy, or prior to release of a performance surety provided under this Section (whichever last occurs), a maintenance bond, letter of credit or escrow account in accordance with Section 1027 is required for all plant materials installed as a result of the requirements of this Article. The developer shall be responsible for maintenance of all such plant materials for 2 years from the date of acceptance of the maintenance bond.
- b. The value of the Maintenance Bond shall be equal to 25 percent of the actual cost of installation of the plant materials. The cost of installation shall be evidenced by copies of contractor agreements or actual invoices paid, or as otherwise determined by the Development Services Director.

825 (b) Maintenance of required plant materials.

- (1) The owner, tenant and their agent, if any, and their successors and assigns shall be jointly and severally responsible for the maintenance in good condition of the plant materials used to meet the minimum requirements of this Article for landscaping, buffer or tree conservation. This responsibility is in addition to and survives the release of any maintenance bond provided for the property by the developer.
- (2) Plants that are diseased, unsurvivably damaged or are dead shall be removed and replaced with a plant of the same species, variety or cultivar, as acceptable to the Director of Development Services.
- (3) Other landscape materials shall be maintained in proper repair and shall be kept clear of refuse and debris.

Article 9. - Environmental Protection

Sec. 901 - Purpose of Chapter 9.

This Article sets out the minimum requirements and standards for the protection of the natural environment within the County, including restrictions on the use of land near certain rivers and streams, within water supply watersheds, within groundwater recharge areas susceptible to pollution, and in wetlands in order to:

- (1) Protect the drinking water quality of the rivers, streams, reservoirs and aquifers that supply water to the residents of the jurisdiction and the State;
- (2) Protect the natural habitat of animal and plant life relative to water resources; and
- (3) Protect valuable water-related and other natural resources, to help control erosion and river sedimentation, for contribution to drought management, and to help absorb flood waters.

Sec. 902 - Definitions related to environmental protection.

The definitions related to environmental protection are found in Article 15 of the Unified Development Code.

DIVISION I. - RIVER AND STREAM CORRIDOR PROTECTION.

The provisions of this Division are adopted pursuant to the Rules for Environmental Planning Criteria of the Georgia Department of Natural Resources (Chapter 391-3.16), adopted by DNR under O.C.G.A. 12-2-8, the Metropolitan River Protection Act (O.C.G.A. 12-5-440 *et seq.*), and the Georgia Erosion and Sedimentation Act of 1975, as amended (O.C.G.A. 12-7-1 *et seq.*). The provisions of this Article shall be administered in conformance to all applicable State and Federal regulations and the requirements of 483 US 825 (1987), 512 US 374 (1994) and 570 US 595 (2013).

Sec. 903 - Protected rivers and streams; defined.

903 (a) Protected rivers and regulated streams.

The following rivers and streams are declared to be protected rivers and regulated streams and are regulated under the provisions of this Division:

- (1) The Chattahoochee River (a State Protected River).
- (2) The Dog River, Bear Creek, Anneewakee Creek, Sweetwater Creek, Beaver Run Creek, Gothards Creek, Hurricane Creek and all other perennial streams and state waters, other than the Chattahoochee River.

903 (b) Criteria for regulated streams.

All watercourses that appear as a solid or broken line on the U.S.G.S. Quadrangle Maps shall be regulated streams. Other natural watercourses may be classified as regulated streams if they possess one or more of the following characteristics, as determined by the Development Services Director based on data analysis and/or field review:

- (1) Evidence of significant water flow along the channel or bed of the watercourse, characterized by one or more of the following: hydraulically sorted sediments; scouring of vegetation and vegetative litter; and loosely rooted vegetation caused by the action of moving water.
- (2) Evidence of hydric soils, hydrophytic vegetation, or wetlands in or around the channel or bed of the watercourse.

Sec. 904 - Protected rivers and streams; restrictions.

904 (a) State protected rivers.

A natural vegetative stream buffer is established along the banks of the Chattahoochee River, as follows:

- (1) The stream buffer shall include all lands within 100 feet of the Chattahoochee River, inclusive of any islands, as measured horizontally from the uppermost part of the riverbank. The area between the top of the banks and the edge of the river shall be included within the stream buffer. An additional 50 foot impervious surface setback, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited, is also required.
- (2) No land may be used, and no vegetation shall be disturbed, within the stream buffer by building construction, development activity, septic tanks or septic tank drainfields, the handling of hazardous wastes, or for any other purpose except for the following permitted uses:
 - a. A land use existing prior to the adoption of this Development Code.
 - b. Timber production and harvesting, subject to the following conditions:
 1. Forestry activity shall be consistent with best management practices established by the Georgia Forestry Commission.
 2. Forestry activity shall not impair the drinking quality of the river water as defined by the federal Clean Water Act, as amended.
 - c. Wildlife and fisheries management activities consistent with the purposes of Section 12-2-8 (as amended) of Article 1, Chapter 2, Title 12 of the Official Code of Georgia Annotated (O.C.G.A.).
 - d. Public road and utility crossings meeting all requirements of the Georgia Soil Erosion and Sedimentation Control Act.
 - e. Public wastewater treatment and natural water quality treatment or purification.
 - f. Recreational usage consistent either with the maintenance of a natural vegetative stream buffer or with river-dependent recreation, such as a boat ramp.
 - g. Agricultural production and management, subject to the following conditions:
 1. Agricultural activity shall be consistent with best management practices established by the Georgia Soil and Water Conservation Commission.
 2. Agricultural activity shall not impair the drinking quality of the river water as defined by the federal Clean Water Act.
 3. Agricultural activity shall be consistent with all state and federal laws and all regulations promulgated by the Georgia Department of Agriculture.

- h. Utilities, other than public water or sewerage facilities, provided that:
 - 1. The utilities shall be located as far from the riverbank as reasonably possible.
 - 2. Installation and maintenance of the utilities shall be such as to protect the integrity of the stream buffer as well as is reasonably possible.
 - 3. Utilities shall not impair the drinking quality of the river water.
 - i. Other uses permitted by DNR under Section 404 of the Clean Water Act that are also allowed by the property's zoning classification.
- (3) The natural vegetative stream buffer shall be restored as quickly as possible following any land-disturbing activity within the stream buffer.

904 (b) Other regulated streams and state waters.

For all regulated streams and other state waters other than the Chattahoochee River, the following shall apply:

- (1) Watershed protection areas.

All regulated streams within watershed protection areas must comply with the stream buffer and setback requirements established for streams in each watershed. (See Division II of this Article.)

- (2) Other streams and waters.

For regulated streams and other state waters for which there are no stream buffer or setback restrictions otherwise established by this Article, there shall be no land disturbing activities within a 50-foot wide stream buffer extending outward from both of the stream banks, other than drainage structures and roads allowed under a development permit. An additional setback of 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filing and earthmoving shall be minimized within the setback. No septic tanks or septic tank drainfields shall be permitted within the buffer or setback.

904 (c) Recordation of restrictions.

Restrictions shall be noted on the plats and deeds of included properties to maintain any designated natural stream buffer area, undisturbed area or construction setback required by this Article.

Sec. 905 - Stream buffers.

Unless more restrictive requirements under this Code apply, all perennial streams and other state waters shall be provided with a natural vegetative stream buffer as follows:

905 (a) Minimum width of stream buffer.

- (1) The minimum stream buffer width must be provided along any State Protected River as required under 904 (a);
- (2) The minimum stream buffer width must be provided along any protected stream within any water supply watershed and around any reservoir, as required under Sec. 908, below; and

- (3) For all other perennial streams and state waters, the stream buffer is to be established for a distance of 50 feet along the banks of any such stream or other state waters, as measured from the point where vegetation has been wrested by normal stream flow or wave action.

905 (b) Minimum setback for land disturbance.

All clearing, earth moving, construction and ground disturbance must remain at least 50 feet from the edge of any stream bank. Exceptions include bike and footpaths constructed of permeable material and road crossings perpendicular to streams. The installation of storm sewers will also be allowed. The area that is within this restricted construction area is to be left natural or developed as a trail with a minimum of disturbance to the natural habitat.

905 (c) Protection of stream buffers; general.

- (1) No land disturbing activities shall be conducted within a stream buffer and a stream buffer shall remain in its natural, undisturbed state of vegetation until all land disturbing activities on the construction site are completed. Land disturbing activities may only be allowed as follows:
 - a. Where the EPD Director determines to allow a variance that is at least as protective of natural resources and the environment; or
 - b. Where otherwise allowed by the EPD Director pursuant to O.C.G.A. 12-2-8; or
 - c. Where a drainage structure or a roadway structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented; provided, however, that stream buffers of at least 50 feet established pursuant to part 6 of article 5, chapter 5 of title 12, of the Official Code of Georgia, the *Georgia Water Quality Control Act*, shall remain in force unless a variance is granted by the EPD Director.
- (2) A stream buffer is to be included within a conservation or natural resources easement that meets the requirements of this Article.
- (3) Once the final stabilization of the site is achieved, a stream buffer may be thinned or trimmed of vegetation, consistent with the terms of any applicable conservation or natural resources easement, as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed.
- (4) Any person constructing a single family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a stream buffer at any time, consistent with the terms of any applicable conservation or natural resources easement, as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed.

905 (d) Regulatory requirements for stream buffers.

- (1) All stream buffer areas shall be maintained with appropriate indigenous plant species for the maintenance of groundcover and limitation of erosion. Undisturbed natural vegetation is the preferred, optimum state of a stream buffer. In the alternate, careful reestablishment of indigenous vegetation and ground cover is encouraged.
- (2) No construction, grading, clearing, grubbing, excavating, filling, or other land disturbing activity shall be permitted within the stream buffer. As an exception to this rule, the following limited

uses may be established within the stream buffer provided that: land disturbance and impact in the stream buffer is minimized to the greatest extent possible; proper soil erosion and sedimentation control is established and maintained; and the disturbed area is stabilized and appropriately revegetated as soon as possible following the completion of approved work within the stream buffer.

- a. Sanitary sewer lines may be located across stream buffers as near as possible to 90 degrees if it is determined by Development Services Director or his/her designee that no reasonable design alternative exists. Sanitary sewer lines may also be installed within stream buffers if they are a part of a project specifically for the purposed of upgrading WSA's sanitary sewer system and not for the purpose of outfall sanitary sewer mains or sewer mains specifically required for a particular development; and, it is determined by WSA that no reasonable design alternative exists; and, the minimum state buffers are not encroached upon unless specifically permitted by EPD and/or the Army Corps of Engineers; and, approval from the Development Services Director has been obtained.
- b. Other utility lines may cross stream buffers, when it is determined by the utility provider that no reasonable design alternative exists.
- c. Private driveways and public roads may cross stream buffers as near as possible to 90 degrees when necessary and as approved by Douglas County in the subdivision or development review process.
- d. Recreational amenities (such as trails, wildlife observation stands, and other low impact uses) when approved by Douglas County as an element of a development plan.
- e. Cutting and clearing (with hand-held tools) of live trees less than 2-inches in caliper measured at a point 4.5 feet above grade, and dead trees, provided the stumps and root structure of trees are left in place to ensure minimal soil erosion potential.
- f. On a project, where all applicable permits have been obtained by the EPD and Army Corps of Engineers for the piping of state waters, the stream buffer shall be reduced to zero (0) feet wide along the piped section(s). At the end of the piped section(s) the stream buffer will extend 90 degrees from the ends of the pipe to the regulated buffer width.

DIVISION II. - WATERSHED PROTECTION.

Sec. 906 - Watershed Protection Overlay District (O-EO).

906 (a) Purpose.

- (1) In order to provide for the health, safety, welfare, and quality of life of the public within Douglas County and surrounding communities, it is essential that the quality of public drinking water be assured. Land disturbance and development can increase erosion and sedimentation that decreases the storage capacity of reservoirs. In addition, storm water runoff, particularly from impervious surfaces, can introduce toxins, nutrients, and sediment into drinking water supplies, making water treatment more complicated and expensive and rendering water resources unusable for recreation.
- (2) The purpose of this overlay district is to establish measures to protect the quality and quantity of the present and future water supply of Douglas County, as well as the City of East Point and jurisdictions downstream from Douglas County; to minimize the transport of pollutants and sediment to the water supply; and to maintain the yield of water supply watersheds.

906 (b) Authority.

The O-EO district regulations are designed for compliance with O.C.G.A. 12-2-8 and the Official Georgia Department of Natural Resources Rules for Environmental Planning, as well as for consistency with goals contained in the Douglas County Comprehensive Plan.

Sec. 907 - Watershed protection district and areas; defined.

907 (a) Watershed protection district.

All land within unincorporated Douglas County is included within the O-EO Watershed Protection Overlay District. The O-EO district is subdivided into watershed protection areas.

907 (b) Watershed protection areas.

All land within unincorporated Douglas County is included within one of the watershed protection areas. The watershed protection areas are established and designated on the Official Zoning Map of Douglas County corresponding to the topographical features that delimit the drainage basins of the respective creeks, rivers and reservoirs. The Director of Development Services shall have discretion to interpret the precise boundary limits of the respective basins when site-specific topography calls into question the precise destination of surface water flows. These areas are:

- (1) Dog River (primary protection area) including all areas of the Dog River watershed outside of the secondary protection area;
- (2) Dog River (secondary protection area) including that portion of the Dog River watershed north of I-20 and extending south of I-20 for a ¼-mile radius from any interstate highway interchange;
- (3) Bear Creek;
- (4) Anneewakee Creek;
- (5) Sweetwater Creek/ East Point Intake Basin subwatershed
- (6) Sweetwater Creek/Sparks Reservoir Basin subwatershed;
- (7) Sweetwater Creek;
- (8) Hurricane Creek; and
- (9) Chattahoochee River Direct Drainage Basin (in areas not regulated by the Metropolitan River Protection Act).

Sec. 908 - Watershed protection district; restrictions.

908 (a) Watershed protection district restrictions; general.

The following are limited within all watershed protections areas of the watershed protection district:

- (1) New hazardous waste treatment or disposal facilities are prohibited.
- (2) New sanitary landfills, if permitted by DNR, shall have synthetic liners and leachate collection systems.
- (3) Any new facility that handles hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and in

amounts of 10,000 pounds or more on any one day, shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by DNR

- (4) Agricultural waste. The application of animal waste on land must follow guidelines established by the United States Department of Agriculture, Natural Resource Conservation Service, *Agricultural Best Management Practices*.
- (5) Landfills and Waste Disposal Utilities. Utilities that cannot be feasibly located outside the stream buffer or setback area must be located as far from the stream bank as reasonably possible; installed and maintained to protect the integrity of the stream buffer and setback areas as best as reasonably possible and must not impair the quality of the drinking water stream.
- (6) Street runoff and drainage. New streets that cross perennial streams shall be designed in such a way as to avoid direct runoff from the paved surface into the streams they cross. Such design features shall be shown on the Stormwater Management Plan (see the Procedures and Permits Article of this Code).

908 (b) Watershed protection areas; restrictions. (See also Table 9.1.)

Within a protected watershed area:

- (1) All property within watershed protection areas may be developed or redeveloped as permitted by its base zoning, provided the development is also in compliance with these watershed protection regulations.
- (2) The following uses are exempt from Watershed Protection District regulations (with some limitations and conditions as noted):
 - a. Development and land use legally established prior to the adoption of these regulations.
 - b. Mining activities permitted by the Department of Natural Resources under the Surface Mining Act (outside of stream buffer areas).
 - c. Specific forestry and agricultural activities (outside of stream buffer areas) that are consistent with best management practices established by the Georgia Forestry Commission/Department of Agriculture and do not impair the quality of streams.

Table 9.1: Watershed Protection Regulations

	Dog River (primary area)	Dog River (secondary area)	Bear Creek ¹	Anneewakee Creek	Sweetwater Creek/ East Point Basin sub-watershed	Sweetwater Creek / Sparks Reservoir Basin sub-watershed	Sweetwater Creek	Chattahoochee River	Other Watersheds ²	Hurricane Creek

Stream buffer width from bank of regulated stream ³	200 ft.	50 ft.	100 ft.	50 ft.	100 ft.	100 ft.	50 ft. ⁴	100 ft.	50 ft.	50 ft.
Minimum setback for regulated activities ⁵ from bank of regulated stream	200 ft.	75 ft.	150 ft.	75 ft.	150 ft.	150 ft.	75 ft. ⁴	150 ft.	75 ft.	75 ft.
Maximum impervious surface area (residential) ⁶	18%	25%	25%	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Maximum impervious surface area (commercial) ⁶	18%	25%	25%	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Residential lot and density requirements (with sewer service) ⁸	See footnote 9 below ⁹	Per zoning district	Per zoning district ₁	Per zoning district	Per zoning district	Per zoning district	Per zoning district	Per zoning district	Per zoning district	Per zoning district
Residential lot and density requirements (no sewer service) ⁸	See footnote 9 below ⁹	Per zoning district	Per zoning district ₁	Per zoning district	Per zoning district	Per zoning district	Per zoning district	Per zoning district	Per zoning district	Per zoning district

¹ See also the O-ED Estate Density Overlay District, which covers portions of the Bear Creek Watershed.

² Watersheds not classified as large or small water supply watersheds (i.e. Hurricane Creek: Chattahoochee River Direct Drainage Basin (in areas not regulated by MRPA)).

³ See definition of "regulated stream," and regulated stream criteria under Section 903 (b).

⁴ Measured from edge of wetlands where present.

⁵ Regulated activities include all impervious surfaces, septic tanks, drain fields, and animal/livestock pasturing, keeping, or grazing.

⁶ See definition of impervious surface. For a Revised Final Plat, Five Lot Split Large Lot Subdivision and Major Subdivision, the maximum percentage can be met on a project-wide basis provided that the project is planned in detail and adequate controls are established (through deed restrictions, zoning plans and conditions, or other mechanism) to ensure compliance.

⁷ Reserved

⁸ See Section 404 regarding areas excluded from minimum lot size and maximum density calculations, and minimum buildable areas per lot.

⁹ Minimum gross land area per lot: 3 acres (130,680 square feet); minimum net lot area: 1 acre (43,560 square feet); minimum buildable area per lot: 1 acre (43,560 square feet).

908 (c) Reservoir protection.

(1) Private artificial reservoirs.

- a. Reservoirs created on private property by either building a dam across or diverting flow from a regulated stream shall only be permitted with the approval of Douglas County and all relevant state and federal agencies. Information required for review shall include, but not be limited to: engineering documents showing the proposed design and materials of any dam, flume, spillway, outlet control structure, or other structure necessary to create the reservoir; details on the size, volume, and characteristics of the reservoir embayment that is proposed for creation; and a plan of management for the reservoir, showing the type and extent of vegetative stream buffers proposed.
- b. In order for a private artificial reservoir to be approved, an applicant must provide the following: engineering documentation that demonstrates that the project will be adequately durable and safe; evidence that the reservoir will not diminish the flow of water to public water supply reservoirs; and environmental documentation demonstrating that the project will have a net positive impact on water quality within the regulated stream and its watershed when compared with a no-build alternative.

(2) Public water supply reservoirs.

A natural stream buffer shall be established and maintained within at least 200 feet of the banks of any public water supply reservoir boundary area within the Dog River Watershed Protection Area, or 150 feet in any other area. Vegetation, land disturbance and land uses shall be controlled by the provisions of the applicable Reservoir Management Plan, as approved by the Georgia Department of Natural Resources (DNR).

DIVISION III. - GROUNDWATER RECHARGE AREA PROTECTION.

Sec. 909 - Groundwater Recharge Area Protection Overlay District (O-GW).

909 (a) Purpose.

The O-GW Groundwater Recharge Area Protection Overlay District is established to protect the quality of groundwater by regulating land uses within significant groundwater recharge areas. This is necessary to protect the public health, safety, and welfare, particularly those persons and communities who rely on groundwater as their source of potable water supply.

909 (b) Authority.

The provisions of this Division are adopted pursuant to the Rules for Environmental Planning Criteria of the Georgia Department of Natural Resources, adopted by DNR under O.C.G.A. 12-2-8.

Sec. 910 - Protected groundwater recharge areas; defined.

The O-GW district is mapped on the Official Zoning Map of Douglas County corresponding to the areas mapped as Significant Recharge Areas by the Georgia Department of Natural Resources in Hydrologic Atlas 18, 1999 edition.

Sec. 911 - Protected groundwater recharge areas; restrictions.

Within the O-GW district, the following shall apply:

911 (a) New construction.

No construction may proceed on a building or mobile home to be served by a septic tank unless the Douglas County Health Department first approves the proposed septic tank installations as meeting the requirements of the Georgia Department of Human Resource for On-Site Sewage Management (DHR Manual).

- (1) New homes served by a septic tank/drain field system shall be on lots having at least 110% of the subdivision minimum lot size calculated based on application of Table MT-1 in the DHR Manual. The minimums set forth in Table MT-1 may be increased further based on consideration of other factors (set forth in Sections A-F) of the DHR Manual. However, any lot of record approved prior to the adoption of these regulations is exempt from this requirement.
- (2) New mobile home parks shall be served by sanitary sewer.

911 (b) Agricultural waste impoundment.

New agricultural waste impoundment sites shall be lined if they exceed 50 acre-feet. As a minimum, the liner shall be constructed of compacted clay having a thickness of one-foot and a vertical hydraulic conductivity of less than 5×10^{-7} cm/sec or other criteria established by the Natural Resource and Conservation Service.

911 (c) Chemical or petroleum storage tanks.

New above-ground chemical or petroleum storage tanks, having a minimum volume of 660 gallons, shall have secondary containment for 110% of the volume of such tanks or 110% of the volume of the largest

tank in a cluster of tanks. Such tanks used for agricultural purposes are exempt, provided they comply with all federal requirements.

911 (d) Waste disposal.

- (1) New facilities that handle hazardous materials of the types listed in section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and in amounts of 10,000 pounds or more on any one day, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements and local fire code requirements.
- (2) New sanitary landfills, if permitted by DNR and the zoning district, shall have synthetic liners and leachate collection systems.
- (3) Any new facility that involves the treatment, storage or disposal of hazardous waste, if permitted by DNR and the zoning district, shall perform such operations on an impermeable surface having a spill and leak collection system.
- (4) Any new facility that handles hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and in amounts of 10,000 pounds or more on any one day, shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by DNR.

DIVISION IV. - WETLANDS PROTECTION.

Sec. 912 - Wetlands Protection Overlay District (O-WP).

912 (a) Purpose.

- (1) The O-WP Wetlands Protection Overlay District is established to promote the protection of wetlands in Douglas County, which are indispensable, fragile natural resources with significant development constraints due to flooding, erosion, and soils limitations. Furthermore, they provide habitat areas for fish, wildlife, and vegetation; water quality maintenance and pollution control; flood control; erosion control; opportunities for study and education; and open space and recreational opportunities.
- (2) Wetlands are commonly lost or impaired by draining, dredging, filling, excavating, building, pollution, and other acts. Piecemeal and cumulative losses will have the effect of destroying additional wetlands over time. Damaging or destroying wetlands threatens public safety and the general welfare.

912 (b) Authority.

The provisions of this Division are adopted pursuant to the Rules for Environmental Planning Criteria of the Georgia Department of Natural Resources, adopted by DNR under O.C.G.A. 12-2-8.

Sec. 913 - Protected wetlands; defined.

The O-WP District shall comprise the following two categories: all lands mapped as wetland areas by the U.S. Fish and Wildlife Service National Wetlands Inventory Maps (Generalized Wetlands Map); and all lands that, in the course of development review, are determined by Douglas County to have significant evidence of wetlands.

Sec. 914 - Wetlands map adopted.

The Generalized Wetlands Map is hereby adopted by reference and declared to be a part of this Code, together with all explanatory matter thereon and attached thereto. The Generalized Wetlands Map cannot serve (and therefore should not be used) as a substitute for a delineation of jurisdictional wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended. Any action by Douglas County under this ordinance does not relieve the landowner from federal or state permitting requirements.

Sec. 915 - Protected wetlands; restrictions.

Within any protected wetlands area, the following shall apply:

915 (a) Permit required for alteration.

- (1) No activity that will, or which may reasonably be expected to, result in the discharge of dredged or fill material in waters of the U.S. (excepting those activities exempted in Section 404 of the Federal Clean Water Act) will be permitted within the O-WP District without written permission or a permit from Douglas County. A wetlands delineation by the U.S. Army Corps of Engineers shall be required in the following circumstances:
 - a. If the area proposed for development is located within 100 feet of an area delineated as wetlands by the Generalized Wetlands Map as determined by County staff; or,
 - b. If an area within a development site is determined by County staff to have significant evidence of wetlands
- (2) If the Corps determines that jurisdictional wetlands are present on a proposed development site the local permit or permission will not be granted until a Section 404 Permit or Letter of Permission is issued.
- (3) Areas established as stream buffers around wetlands that qualify as "State Waters" shall be protected in accordance with the requirements of Sec. 905.

915 (b) Prohibited land uses.

Within any protected wetlands area, the following are prohibited:

- (1) Receiving areas for toxic or hazardous waste or other contaminants;
- (2) Sanitary waste landfills;
- (3) Hazardous or toxic waste receiving, treatment or disposal facilities; and
- (4) Any other use not specifically exempted as noted above or properly approved by Douglas County and relevant State and Federal agencies.

915 (c) Allowed land uses.

Land uses that may be allowed if otherwise permitted by the zoning district and by the Section 404 permit include:

Permitted Uses. The following uses shall be allowed as of right within the Wetlands Protection District to the extent that they are not prohibited by any other ordinance or law, including laws of trespass, provided they do not require structures, grading, fill, draining, or dredging except as provided herein,

and provided they have no impact on a navigable waterway that would necessitate acquisition of a Section 404 permit or a permit under Section 10 of the Rivers and Harbors Act.

- (1) Conservation or preservation of soil, water, vegetation, fish and other wildlife, provided it does not affect waters of Georgia or of the United States in such a way that would require an individual 404 Permit.
- (2) Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding, and canoeing.
- (3) Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission and as specified in Section 404 of the Clean Water Act.
- (4) The cultivation of agricultural crops. Agricultural activities shall be subject to best management practices approved by the Georgia Department of Agriculture.
- (5) The pasturing of livestock, provided that riparian wetlands are protected, that soil profiles are not disturbed and that approved agricultural Best Management Practices are followed.
- (6) Education, scientific research, and nature trails.

Sec. 916 - Wetlands certification.

Design professionals shall indicate wetlands on plans required for a land disturbance permit application. The design professional that prepared the required plans accompanying the permit application shall add a statement to the grading plan sheet indicating whether or not wetlands are located on the property by checking the appropriate box on the Wetlands Certification. The Wetlands Certification shall read as shown under the specifications for grading plans in the Procedures and Permits Article of this Code.

DIVISION V. - NATURAL RESOURCE CONSERVATION AREAS.

Sec. 917 - Purposes of natural resource conservation.

The purposes of this Division, among others, are as follows:

- (1) To recognize the current development rights of property owners established through zoning;
- (2) To conserve open land, including those areas containing unique and sensitive natural features such as stream buffers, floodplains, and wetlands, by setting them aside from development;
- (3) To support the continued viability of agricultural activities in the county, including crop production, dairying and managed forestry;
- (4) To reduce erosion and sedimentation by the retention of existing vegetation and encourage minimization of development on steep slopes;
- (5) To enhance water quality of streams and waterways, and to protect valuable groundwater resources; and
- (6) To provide notification to property owners of natural resources that must be protected on their property.

Sec. 918 - Designation of conservation areas.

918 (a) Primary conservation areas.

Primary Conservation Areas are defined as follows:

(1) Floodways within the 100-year floodplain.

These areas are designated on maps prepared by the Federal Emergency Management Agency (FEMA), and must be confirmed as to their specific location on the Preliminary Plat.

(2) Flood hazard areas.

All areas within the 100-year floodplain but lying outside any floodway, wetland or other designated Primary Conservation Area fall under this category. The boundaries of the 100-year floodplain are designated as the "flood hazard area" on maps prepared by the Federal Emergency Management Agency (FEMA), and must be confirmed as to their specific location on the Preliminary Plat.

(3) Required stream buffers.

Natural vegetative stream buffers along the banks of all perennial streams and other state waters, as required by this Article (except for activities that are exempt from the soil erosion and sedimentation control provisions of Article 11, Erosion Control and Stormwater Management).

(4) Wetlands.

Protected wetlands are defined under Sec. 913.

(5) Wildlife habitats of threatened or endangered species.

The following have been identified by the Federal and/or the State governments as threatened or endangered species in Douglas County:

Table 9.2: Threatened or Endangered Species Identified in Douglas County

Common Name	Biological Name	Habitat
Animals		
Bald eagle	<i>Haliaeetus leucocephalus</i>	Inland waterways and estuarine areas in Georgia
Bluestripe shiner	<i>Cyprinella callitaenia</i>	Brownwater streams
Highscale shiner	<i>Notropis hypsilepis</i>	Blackwater and brownwater streams
Plants		

Little amphianthus	<i>Amphianthus pusillus</i>	Shallow pools on granite outcrops, where water collects after a rain. Pools are less than 1 foot deep and rock rimmed.
Bay star-vine	<i>Schisandra glabra</i>	Twining on subcanopy and understory trees/shrubs in rich alluvial woods
Piedmont barren strawberry	<i>Waldsteinia lobata</i>	Rocky acidic woods along streams with mountain laurel; rarely in drier upland oak-hickory-pine woods
Pool Sprite, Snorkelwort	<i>Amphianthus pusillus</i>	Shallow pools on granite outcrops, where water collects after a rain. Pools are less than 1 foot deep and rock rimmed.
Source: U.S. Fish and Wildlife Service.		

- (6) Natural buffer areas around wetlands and habitats of endangered species.

Additional lands in their natural state provided around designated wetlands and critical wildlife habitats as protective vegetated buffers are recognized as Primary Conservation Areas. A naturally-vegetated wetland buffer must extend at least 25 feet from the wetland, and a natural buffer around a protected wildlife habitat must be at least 100 feet deep.

918 (b) Secondary conservation areas

Secondary Conservation Areas are areas that are encouraged (but not required) to be protected in any major subdivision. These include:

- (1) Soils with exposed bedrock or rock outcroppings greater than 40,000 sf.

Areas with exposed bedrock or rock outcroppings must be identified through observation on each site. Areas comprising 40,000 contiguous square feet or less are not considered Secondary Conservation Areas.

- (2) Mature timber stands or significant trees.

Forests and timberlands that have developed mature stands of trees qualify for conservation consideration. Individual trees that are specimen trees or otherwise have significance through their size, age, species or historic value may be designated as a Secondary Conservation area to the extent of the tree's dripline. See Article 8, Landscaping, Buffers and Tree Conservation.

- (3) Registered historic or archeological assets.

Sites or areas registered with the State or the National Register of Historic Places qualify under this category since preservation is desirable but not mandated by law. Information regarding all such sites is available from the Georgia Office of Historic Preservation.

(4) Village greens, parkways.

These areas create neighborhood assets by providing open space and passive recreation close to the homes in a subdivision. A village green is an open space area surrounded by streets and/or building lots on at least three sides, and intended for common neighborhood use. A parkway is a narrow strip of open space surrounded by streets on all sides, intended as a landscaped element or passive recreation area for the neighborhood.

(5) Passive recreational areas.

Common areas solely designated and improved for passive recreational activities, such as picnicking, walking, relaxation and repose, may be treated as Secondary Conservation Areas. Active recreation areas, including but not limited to golf courses, swimming pools, sports fields and courts, and community buildings and grounds are not considered conservation uses or conservation areas.

(6) Flood fringe areas.

All areas within the flood fringe area but lying outside any wetland or other designated Primary Conservation Area fall under this category. The boundaries of the area are designated as the "flood fringe area" on maps prepared by the Federal Emergency Management Agency (FEMA), and must be confirmed as to their specific location on the Preliminary Plat.

Sec. 919 - Allowed uses in natural resource conservation areas.

The following requirements apply only to land set aside under conservation or natural resources easements in fulfillment of the provisions of this Article.

919 (a) Undisturbed areas.

Certain areas identified as Primary Conservation Areas shall remain in their natural, undisturbed state. Such undisturbed areas include floodways, stream buffers, critical wildlife habitats and habitat buffers, wetlands and wetland buffers.

919 (b) Allowed uses in other areas.

The following uses are allowed in natural resource conservation areas to the extent that they are compatible with the protection and preservation of areas required by law but not otherwise required to remain undisturbed, and provided they are allowed uses under the site's zoning classification.

- (1) Conservation of open land in its natural state (for example, woodland, open field, or managed meadow).
- (2) Agricultural and horticultural uses, including raising crops, pasturelands and dairy operations, along with associated buildings (including residences) that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.

- (3) Pastureland for horses used solely for recreational purposes. Equestrian facility buildings and grounds shall be permitted but may not be located in any Primary Conservation Area.
- (4) Silviculture, in keeping with established standards for selective harvesting and sustained yield forestry, and best management practices endorsed by the Georgia Forestry Commission.
- (5) Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, golf courses, sports fields and courts, community recreation buildings and grounds, swimming pools, and other active recreation uses.
- (6) Pathways and trails, and passive recreation activities such as fishing, picnicking, and nature interpretation.
- (7) Water supply and sewage disposal system reserve fields and stormwater detention areas designed, landscaped, and available for use as an integral part of the conservation area. The septic tank and drain field required for on-site sewage disposal must be located on the lot of the house it serves. Areas within a conservation area used for water supply, reserve fields or stormwater detention must be located outside of any Primary Conservation Area, and must be established by easements between the appropriate parties and recognized in the conservation or natural resources easement covering the area.
- (8) Easements for drainage, access, power, natural gas, sewer or water lines, or other public purposes, as approved by the County Engineer and in keeping with conservation of the areas they traverse.
- (9) Within the flood hazard areas and the flood fringe areas, any use otherwise allowed in the applicable zoning district may be allowed by Special Use approval only, subject to compliance with all provisions related to Flood Damage Prevention in the Erosion Control and Stormwater Management Article of this Code.

DIVISION VI. - CONSERVATION AND NATURAL RESOURCES EASEMENTS.

Sec. 920 - Conservation or natural resources easements; required.

920 (a) Primary conservation areas.

All stream buffers required by this Article, all protected wetlands, and all other primary conservation areas in a subdivision or a master planned development that are required to be protected by the provisions of this Development Code, shall be permanently protected from further subdivision, development, and unauthorized use as follows:

- (1) By a natural resources easement in a conventional subdivision; or
- (2) By a conservation easement in an open space subdivision or a master planned development.

920 (b) Secondary conservation areas.

Lands in secondary conservation areas that are designated by the developer for protection shall be included within a natural resources or conservation easement.

920 (c) Ownership of land in conservation and natural resources easements.

Land within conservation and natural resources easements may be included within the lots in a subdivision, or owned by a homeowners' association or other entity that meets the provisions for a Property Owners' Association in the Subdivisions and Planned Developments Article of this Development Code.

Sec. 921 - Natural resources easements

921 (a) Natural resources easements; creation.

The natural resources easement, when required, shall be shown on the final subdivision plat and recorded with the Clerk of the Superior Court at the same time as the final plat.

- (1) When included within the lots in a subdivision, the natural resources easement shall be granted at no cost to a homeowners' association or other entity that meets the provisions for a Property Owners' Association in the Subdivisions and Planned Developments Article of this Development Code.
- (2) When the land to be included in the easement is owned by the homeowners' association, the easement shall be created and granted as a conservation easement under the provisions of Sec. 922.
- (3) The natural resources easement shall grant a third-party right of enforcement to the Douglas County Board of Commissioners to enforce, at its discretion, any of the terms of the natural resources easement.

921 (b) Natural resources easements; guidelines.

The following guidelines must be incorporated into any natural resources easement in a form acceptable to the County Attorney:

- (1) The easement specifically and clearly identifies the boundaries of the property subject to the easement through reference to the easement area shown on the final subdivision plat;
- (2) The easement contains restrictions as to what the owner may do with the property and specifically delineates what may not be done with the property. Limitations shall be consistent with the type of area protected and the applicable requirements of this Code to such areas, and may include but shall not be confined to prohibitions against subdivision, earthmoving, dumping, signs, utility lines, construction, changes to existing structures, and uses made of the property;
- (3) The easement provides for the right of the holder of the easement to inspect the property to assure observance of restrictions and also provides for enforcement procedures;
- (4) The easement contains provisions governing its amendment, including provisions that the easement shall not be altered or terminated except with the express written permission of the County.

Sec. 922 - Conservation easements.

922 (a) Conservation easements; creation.

The conservation easement, when required, shall be created subject to the provisions of O.C.G.A § 44-10-1, *et seq.*, which is known as the "Georgia Uniform Conservation Easement Act." The conservation

easement shall be shown on the final subdivision plat and recorded with the Clerk of the Superior Court at the same time as the final plat.

- (1) The conservation easement shall be approved by the Board of Commissioners and shall be granted at no cost to a charitable corporation, charitable association or charitable trust that qualifies as a "holder" under the Georgia Uniform Conservation Easement Act.
- (2) The conservation easement shall grant a third-party right of enforcement to the Douglas County Board of Commissioners to enforce, at its discretion, any of the terms of the conservation easement.
- (3) The conservation easement may not be granted to the owner of the property to which the easement will apply, including a homeowners' association holding natural resource conservation areas as common open space in an open space subdivision or master planned development.

922 (b) Conservation easements; guidelines.

The following guidelines are required to be incorporated into any conservation easement in a form acceptable to the County Attorney:

- (1) The easement recognizes and describes in a statement of purpose the special qualities of the property subject to the easement. Conditions within the tract subject to the conservation easement may be shown by map and/or photograph;
- (2) The easement clearly identifies the owner of the property subject to the easement, the holder of the easement, and co-signer, and the responsibilities of the property owner, easement holder, and co-signer;
- (3) The easement specifically and clearly identifies the boundaries of the property subject to the easement, either by metes and bounds legal description, survey plat or reference to the easement area shown on the final subdivision plat;
- (4) The easement contains restrictions as to what the owner may do with the property and specifically delineates what may not be done with the property. Limitations shall be consistent with the type of area protected and the applicable requirements of this Code to such areas, and may include but shall not be confined to prohibitions against subdivision, earthmoving, dumping, signs, utility lines, construction, changes to existing structures, and uses made of the property;
- (5) The easement provides for the right of the easement holder to inspect the property to assure observance of restrictions and also provides for enforcement procedures;
- (6) The easement provides for the maintenance of the open space; and
- (7) The easement contains provisions governing its amendment, including provisions that the easement shall not be altered or terminated except with the express written permission of all entities having either a property right or enforcement right in the easement.

Article 10. - Project Design and Construction Standards

Sec. 1001 - Purpose of Article 10.

This Article sets out the minimum requirements and standards for construction of subdivisions and other land development projects, including general principals of design and layout and requirements for such public facilities as streets and utilities.

Sec. 1002 - Standards incorporated by reference.

1002 (a) Standard design specifications.

The Construction Standards and Specifications of Douglas County, also referred to in this Code as "Standard Design Specifications," as maintained by the Department of Transportation and as may be amended from time to time by said department, are incorporated into this Code as though set forth within the body of this Code. In the case of a conflict between the Standard Design Specifications and the text of this Code, the text of this Code shall control.

1002 (b) Traffic signs and street striping.

The installation of all traffic control signs and street striping shall be governed by the standards contained in the *Manual on Uniform Traffic Control Devices*, latest edition, published by the Federal Highway Administration of the U.S. Department of Transportation.

1002 (c) Georgia DOT standard specifications.

Unless otherwise specially set forth in this Code or the Standard Design Specifications, all of the materials, methods of construction, and workmanship for the work covered in reference to street construction and storm drainage construction shall conform to the latest standard specifications of the Georgia Department of Transportation.

1002 (d) AASHTO design standards.

- (1) Design criteria and standards not specifically set forth herein or in the latest standard specifications of the Georgia Department of Transportation shall conform to the latest edition of the American Association of State Highway and Transportation Officials (AASHTO) *A Policy on Geometric Design of Highways and Streets*.
- (2) The latest edition of the *Roadside Design Guide* by the American Association of State Highway and Transportation Officials (AASHTO) shall be consulted regarding set-back criteria and clear zone distance criteria for structures within a public street right-of-way or private street easement. See particularly Sec. 1018.

1002 (e) Street lighting.

The *American National Standard Practice for Roadway Lighting* of the Illumination Engineering Society, as approved by the American National Standards Institute (1973), or as more recently amended, shall be consulted regarding illumination of public rights-of-way.

DIVISION I. - PROJECT DESIGN.

Sec. 1003 - General design standards.

1003 (a) Suitability of the land.

- (1) Land with a slope of 35% or more, land within an area of special flood hazard (the 100-year flood plain), and land otherwise determined by the Development Services Director to be physically unsuitable for subdivision or development because of flooding, poor drainage, topographic, geologic or other such features that may endanger health, life or property, aggravate erosion, increase flood hazard, or necessitate excessive expenditures of public funds for supply and maintenance of services shall not be approved for subdivision or development unless adequate methods are formulated by the developer for solving the problems. Such land shall be set aside for such uses as shall not involve such a danger.
- (2) Land within a proposed subdivision or development that is unsuitable for development shall be incorporated into the buildable lots as excess land or set aside as open space. Lots that do not comply with the requirements of this Code are prohibited.

1003 (b) Conformance to the adopted plans of Douglas County.

In addition to the requirements established herein, all subdivisions and individual development projects shall comply with the following laws, rules and regulations:

- (1) All proposed subdivisions and individual development projects shall conform to the adopted plans and development policies in effect at the time of submission to the Development Services Department.
- (2) In subdivisions or developments related to or affecting any State or U.S. numbered highway, the Development Services Department may require the approval of the Georgia Department of Transportation.
- (3) Dedications and reservations.
 - a. All transportation facilities such as highways, major thoroughfares and other streets shall be platted by the developer in the location and to the dimension indicated on the *Transportation Plan*, whichever is the most recently adopted or amended.
 - b. Public facilities other than transportation facilities, such as school sites, park sites, library sites, fire station sites, sites for public utilities or for other public use or open space, shall be shown as dedicated or as reserved on the preliminary and final plats under the following circumstances:
 1. When any of said public facilities are shown in the *Comprehensive Plan* and located in whole or in part in a proposed subdivision or development; or
 2. When any of said public facilities have not been anticipated by the *Comprehensive Plan*, but are considered essential to or extremely important to the development of the county or to that neighborhood or portion of the county within which the subdivision or development project lies, by the Board of Commissioners.
 - c. Time limitation on reservations.

If the developer reserves land for any public facility other than transportation facilities and it is not acquired by gift, purchase, condemnation or otherwise nor optioned by the

appropriate public agency within 5 years from the date of recording of the subdivision or by the time Certificates of Occupancy have been issued for 75% of the dwelling units in the development, whichever occurs first, the subdivider may claim the original reservation, or portion thereof, and cause it to be developed in a manner suitable to the subdivider subject to the provisions of this Development Code.

d. Waiver of dedication or reservation requirement.

The Director of Development Services may waive the platting and reservation requirements of this Section 1003 (b)(3) whenever the public body responsible for land acquisition executes a written release stating that such a planned feature is not being acquired.

e. Refusal of dedication offer.

1. Whenever a plat or site plan proposes the dedication of land to public use that the Development Services Director finds not required or suitable for such public use, the Development Services Director shall refuse to approve the plat or site plan. The Director's opinion may be appealed to the Board of Commissioners.
2. Whenever a plat or site plan proposes the dedication of land to public use that the Board of Commissioners finds to be not required or suitable for such public use, the Board of Commissioners shall refuse to accept the dedication.

1003 (c) Name of subdivision or development project.

The name of each subdivision or development project must have the approval of the Development Services Department. The name shall not duplicate nor closely approximate the name of an existing subdivision or development project in Douglas County or any of its cities.

1003 (d) Street names.

- (1) Proposed streets obviously in alignment with other existing and named streets shall bear the names of the existing streets. In no case shall the name for a proposed street duplicate existing street names in Douglas County or any of its cities, irrespective of the use of a suffix such as: street, avenue, boulevard, road, pike, drive, way, place, court or other derivatives.
- (2) Street names are subject to approval by the Development Services Director.

1003 (e) Street addresses.

Street addresses shall be obtained from the Development Services Department and shall be shown on each final plat.

1003 (f) Blocks.

- (1) Residential blocks.
 - a. Unless otherwise approved by the Department of Transportation Director under unusual circumstances, block lengths shall not exceed 1,800 feet nor be less than 600 feet in length.

- b. In blocks greater than 1,000 feet in length, the Department of Transportation Director may require one or more public easements of not less than 10 feet in width to extend entirely across the block for pedestrian crosswalks, fire protection or utilities.
- c. Width: Residential blocks shall be wide enough to allow two rows of lots, except where reverse frontage lots on major thoroughfares are provided, or when prevented by topographic conditions or size of the property, or for lots along the periphery of the subdivision, or where abutting upon limited access highways or railroads, or where other situations make this requirement impractical, in which case the Department of Transportation Director may approve a single row of lots.

(2) Nonresidential blocks.

Blocks for other than residential use shall be of such length and width as may be suitable for the prospective use, including adequate provision for off-street parking and service.

1003 (g) Lots.

(1) Minimum lot dimensions and areas.

All lots shall meet or exceed the area and dimensional requirements of this Development Code for the zoning district and type of development in which the lots are located.

(2) Authority of Health Department.

Nothing contained in this Article shall be construed as preventing the County Health Department, after study of the conditions existing in a proposed subdivision, from requiring that all or any portion of the area of such subdivision shall not be built upon or that the minimum lot sizes set forth in this Development Code are inadequate and must be increased to ensure the protection of the public health.

(3) Adequate building sites.

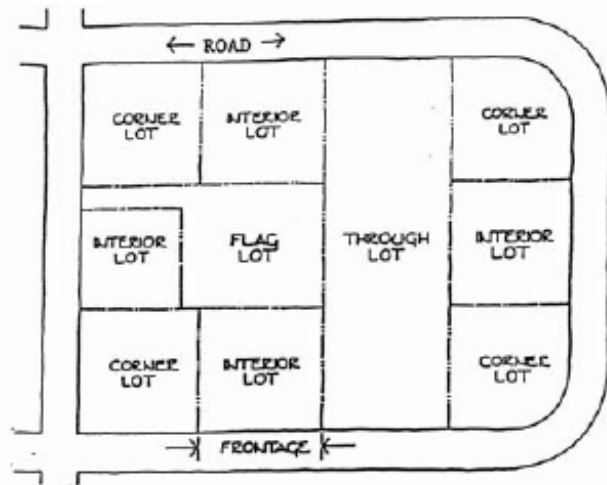
Each lot shall contain a site large enough for a normal building that will meet all building setback requirements as set forth in this Code and not be subject to flood or periodic inundation

(4) Arrangement.

Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines (including cul-de-sacs).

(5) Corner lots.

Corner lots shall be sufficiently large to permit the location of buildings so as to conform to the front building lines on both streets.



(6) Through lots.

On through lots (i.e., "double-frontage" lots) the minimum front yard setback for principal buildings shall be provided along each street.

(7) Flag lots.

Flag lots must meet the minimum lot width for the applicable zoning district at the minimum front setback line required for principal buildings.

(8) Lot remnants

Lot remnants (lots below minimum area or width left over after subdividing tracts of land) shall be prohibited. Such remnant areas shall be added to adjacent lots, rather than remain as unusable parcels.

(9) Lots abutting lakes.

The subdividing of land adjacent to or surrounding an existing or proposed lake, shall be such that lots abutting the lake shall be drawn to the centerline of the lake. Such requirements may be waived upon submittal to the Board of Commissioners of an acceptable method for the maintenance of the lake and any recreational operations to be provided thereon. The minimum required area of each lot shall exclude those areas as specified in Section 404(b) of the Lots and Building Standards Article of this Development Code.

1003 (h) Areas reserved for future development.

If any portion of a tract is reserved for future subdivision development, the minimum lot width and frontage of the reserved area may be reduced to the width required for a future street to serve such area.

- (1) Such a reserved area must be labeled "Reserved for Future Development" on the final subdivision plat, and the portion of the lot where a street will be built must be labeled "Future Street."

- (2) Such a reserved area will not be eligible for issuance of a building permit unless the lot meets all requirements of this Development Code, including minimum lot width and frontage requirements of the applicable zoning district.

1003 (i) Plats straddling political boundaries.

Whenever access to a subdivision is required across land in another governmental jurisdiction, the Department of Transportation Director may request assurance from the County Attorney, and/or the other jurisdiction that access is legally established, and that the access road is adequately improved. In general, lot lines shall be laid out so as to not cross jurisdictional boundary lines.

1003 (j) Design standards for planned developments.

- (1) The project design standards and requirements of this Article may be modified in the case of a master planned development (MPD) or planned unit development (PUD) which, in the judgment of the Board of Commissioners provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, provided zoning density standards for the entire tract are not exceeded, and which also provides such covenants or other legal procedures as will assure conformity to and achievement of the plan.
- (2) Plans for such developments shall be submitted to and approved by the Board of Commissioners as a Master Plan for a PUD or a Concept Plan for an MPD, as required by this Development Code. No building permits shall be issued until such approval has been given.

Sec. 1004 - Required improvements.

1004 (a) Minor subdivisions.

A "minor subdivision" is one in which limited public improvements (such as new streets, stormwater drainage facilities or public utilities) are required. However, the following improvements are required in order to adequately serve the lots and protect the safe operation of the existing road:

- (1) Right-of way, as may be needed, shall be dedicated along the property's frontage from the centerline of the existing road equal to $\frac{1}{2}$ of the minimum requirement for the classification of the road, as established in Sec. 1008 (d)(3). For large lot subdivisions in excess of 5 lots, minimum road improvements, (i.e. additional lane widening, curb and gutter, roadway overlay, sidewalks, etc.) may be required if determined necessary by the Douglas County DOT to bring a substandard County road facility up to a minimum acceptable safe standard, within the limits of the property frontage being subdivided. The requirement for such road improvements shall not alter or change the designation from Minor Exempt Subdivision provided the provisions of Sec. 502(a) are applicable.
- (2) The potential location of a driveway connection serving each lot and meeting the requirements of these development regulations shall be indicated on the final subdivision plat. All proposed driveways must comply with Douglas County Residential Driveway Permit stipulations. Driveway Permits are obtained from Douglas County Department of Transportation. Driveways shall be positioned to provide maximum visibility along the County roadway.
- (3) The stormwater carrying capacity of the road, whether in an existing ditch or gutter, shall not be compromised. If the stormwater characteristics of the existing road are inadequate to

accommodate the new lots, the Department of Transportation Director may require improvement of the roadway ditch as appropriate.

- (4) Survey monument markers of all lot corners shall be provided in accordance with the requirements of Sec. 1005.
- (5) Sidewalks for a Minor Subdivision shall be required along the frontage of paved roadways where existing or programed sidewalks are planned within 1 mile of the proposed Minor Subdivision development. The 1 mile distance will be measured from an existing or programmed sidewalk location, along the roadway shoulder to the nearest front property corner of the site. The need for sidewalk construction within a Minor Subdivision will be evaluated on a case by case basis and will be at the discretion of the Department of Transportation Director.

1004 (b) Major subdivisions, multi-family and nonresidential developments.

The following improvements shall be provided by the developer or at the developer's expense in every major subdivision or individual multi-family or nonresidential development in accordance with the requirements and standards contained in this Article. Prior to construction of any major subdivision or multi-family or nonresidential development, a pre-construction meeting shall be scheduled with the Department of Transportation.

- (1) Survey monumentation in accordance with Sec. 1005.
- (2) Streets providing access to such a development and to all lots in such a subdivision, including the extension of streets required to provide access to adjoining properties, in accordance with Sec. 1008.
 - a. Streets contained wholly within such a subdivision shall be improved to the full standards contained in this Article. Existing streets that adjoin such a development shall be improved to the minimum standards from the centerline of the street along the development's frontage.
 - b. Curb and gutter along all roadways, or drainage swale where allowed by Department of Transportation Director.
- (3) Street name signs, stop bars, striping and traffic control signs as approved by the County shall be installed by the developer in accordance with Sec. 1009.
- (4) Street lights in accordance with Sec. 1010.
- (5) Driveway access to each lot, shall be installed by the developer in accordance with Sec. 1011
- (6) Project access improvements (deceleration, turn lanes, etc.) as deemed necessary by the Department of Transportation Director under the provisions of Sec. 1012.
- (7) Sidewalks, if required under Sec. 1013.
- (8) Storm water drainage and detention facilities in accordance with Sec. 1014.
- (9) Public or private water supply as required under Sec. 1015.
- (10) Fire hydrants as required under Sec. 1016.
- (11) Public or private sanitary waste disposal as required under Sec. 1017.

- (12) If any portion of the subdivision contains a primary conservation area as defined in the Environmental Protection Article of this Code, a natural resource easement or conservation easement, as applicable, is to be provided in accordance with the requirements of the Environmental Protection Article.
- (13) All subdivision amenities to be controlled by the Property Owner's Association, including but not limited to all recreational and clubhouse amenities.

1004 (c) Guarantee in lieu of completed improvements.

No final subdivision plat shall be approved by the County or accepted for recordation by the Clerk of the Superior Court until one of the following conditions has been met:

- (1) All required improvements have been constructed or funded in a satisfactory manner and approved by the Development Services Director, or
- (2) The Board of Commissioners has received in escrow 150% of the estimated cost of installation of the required improvements, and has received a copy of an executed contract for installation of the improvements between the developer and a qualified contractor. The executed contract shall call for completion of the improvements within 24 months of approval of the final subdivision plat.
- (3) The improvements funded through the escrow fund shall be limited to final pavement topping for streets, final grassing of street shoulders, landscaping, all subdivision amenities to be controlled by the Property Owner's Association, and street and parking lot stripping and sidewalks.
- (4) Upon completion of deferred improvements, the as-built surveys are to be updated by the developer and submitted to the Development Services Department.

Sec. 1005 - Survey monuments.

Survey monuments shall be installed in accordance with Chapter 180-7, Technical Standards for Property Surveys, Rule 180-7-.05 of the Rules and Regulations of the State of Georgia. In the event of conflict, the State rules shall govern.

1005 (a) Exterior development boundaries.

- (1) An 2-inch iron pipe at least 24 inches long shall be placed at all corners of the exterior boundaries of the subdivision or development project being developed and shall be driven no less than 6 inches above the finished grade.
- (2) Existing permanent monuments that, in the professional opinion of a registered land surveyor, are of sufficiently durable construction shall be marked and maintained.

1005 (b) Lot and street corners.

- (1) All other street or lot corners shall be marked with a ¾-inch iron pipe at least 24 inches long and driven no less than 2 inches above the finished grade.
- (2) All such monuments shall be properly set in the ground and shall be approved by a registered land surveyor prior to the time of final plat approval.

1005 (c) Floodplain elevations.

On developments containing floodplains, flood elevation references shall be set.

Sec. 1006 - Utility easements.

1006 (a) Notice of intention to utilize right-of-way.

Any public utility seeking to condemn or utilize an easement over or through or within the paved portion of the public right-of-way which is under the supervision and control of the county, in order to run wires, pipes, cables, maintain dams, flow backwater, or for any other uses necessary to its purpose, shall first notify the Department of Transportation Director or its designated agent of the utility's intention to so condemn or utilize, and all cases other than condemnation said utility shall obtain a permit from the Department of Transportation Director. Utilization shall mean any manner of use of the above-described right-of-way, including but not limited to, cutting of the pavement or boring under the pavement. Such notification shall include the location and description of the right-of-way to be condemned or utilized and the purpose of the condemnation or utilization. In the event of emergency repair service involving utilization of the paved portion of the right-of-way during hours other than normal office hours, the utility shall notify the Department of Transportation on the next business day.

1006 (b) Promulgation of standard specifications.

The Department of Transportation Director is hereby authorized to prepare standard specifications regulating the installation of pipes, wires, cables, poles, lines, etc., over, through or within a public right-of-way. These specifications shall be in conformance with the requirements of this Section and shall be designed to protect and safeguard the welfare of the county and its citizens. (A copy of the specifications shall be available for public view during normal business hours at the Department of Transportation office.)

1006 (c) Approval of installation.

As to new installation, no public utility shall install any lines, wires, pipes or poles, or otherwise utilize a public right-of-way until after obtaining prior written approval from the Department of Transportation Director respecting the proposed location of said lines, wires, pipes, etc., in accordance with these regulations. The Department of Transportation Director shall determine if the installed location and placement of any utility along a public right-of-way meets the requirements of this Section and the standard specifications of the County (see Sec. 1006 (b)). The Department of Transportation Director shall then issue a written approval or disapproval to the public utility regarding the installation. Any installation made by any utility in a location other than that specified in this Section shall be removed and reinstalled in the proper location entirely at the expense of the utility. Failure to reinstall at the proper location will result in the withholding of any further installation permits. Failure to conform to this Section or the permit will result in the withholding of any further installation permits.

1006 (d) Location of utility lines and structures.

(1) Particular side of street for specific utilities.

Water, electrical, telephone and cable television lines shall be located on the south or west side of any road, highway or street; and gas, electrical, telephone and cable television lines shall be located on the north or east side of any road, highway or street. The determination of

which side is north and which side is south and which side is east and which side is west shall be made at the point where said street, road or highway begins. If there is any question regarding which side of the highway, road or street any particular utility should use, then said utility shall contact the Department of Transportation Director. The Department of Transportation Director shall then instruct the public utility regarding which side of a specific road, street or highway the particular utility should use.

- (2) All utilities within existing or proposed County right-of-way shall be installed in accordance with the Douglas County Department of Transportation Utility Location Detail, and any utility placement guidelines or regulations in effect at the time of installation.

1006 (e) Variances.

The Department of Transportation Director is authorized to approve a variance from the requirements of Sec. 1006 (d), if, in its opinion, such variance is absolutely necessary under the conditions then and there existing; and, such variance will not create a public hazard or otherwise be detrimental to the best interest of the county and its citizens. The Department of Transportation Director shall keep a record of all variances granted under this subsection. This record shall include the name of the utility to which said variance is granted, the description and location of the variance, and the reasons for granting said variance.

1006 (f) Use of minimum area; restoration of disturbed areas.

Any utility shall condemn or utilize only that portion of a public right-of-way necessary for the purpose intended. It shall leave undisturbed the area surrounding the condemned or utilized right-of-way and shall replace or repair, in kind, any structures, shrubbery, driveways, embankments, ground cover, etc., which are altered or disturbed while installing pipes, wires, ditches, or otherwise using the public right-of-way, and shall regrade the undisturbed area to its original contours. The replacement of shrubbery, ground cover etc. shall not impede sight distance and plantings are limited to a mature height of two (2) feet.

1006 (g) Excavations; backfilling.

No street cuts for crossings will be made unless specifically approved by the Department of Transportation Director after at least three attempts to bore at different locations. Patches shall be made in accordance with county standards.

1006 (h) Liability for costs and expenses.

Any costs or expenses incurred by the county in repairing or replacing any such structures, etc., as described in Sec. 1006 (b), which are not left in their original condition by the public utilities shall be chargeable to the public utility, including reasonable attorney's fees incurred in the collection of said costs or expenses. Street cuts altering existing pavement markings shall replace pavement markings with like material as described in Sec. 1009 (c).

1006 (i) Inspections.

The utility cutting the asphalt of the roadway for the installation/repair of a utility is required to notify the Department of Transportation Director, in advance, of the date and time of the roadway backfilling and repaving so that the Department of Transportation Director can schedule an inspection of this work.

1006 (j) Penalties.

Any utility that does not notify the Department of Transportation Director in advance of the date and time of the roadway backfilling and repaving, shall be fined in accordance with Article 14 of this Development Code. In addition, the utility may be required by the Department of Transportation Director to core the patching, at the utility's cost, to determine its compliance with the Douglas County Standard Specifications. All cost or expenses incurred by the county in repairing or replacing any structure, shrubbery, driveway, embankment, ground cover or any other item which has been altered or disturbed and not left or returned to the original condition by the utility, shall be chargeable to the utility which disturbed the area or cut the county roadway. The county shall be entitled to collect reasonable attorney's fees incurred in the collection of such costs or expenses and all costs of collection.

1006 (k) Overlapping easements.

Easements for water, sanitary sewers and drainage purposes may be combined, but must comply with all requirements of the WSA as to width, pipe separation, etc.

Sec. 1007 - Other easements.

Easements other than utility easements shall be required in connection with subdivisions or developments for the following purposes, among others:

1007 (a) Pedestrian easements.

Pedestrian easements not less than 10 feet wide, may be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

1007 (b) Drainage easements.

- (1) A publicly dedicated drainage easement is to be provided along any manmade drainage channel or drainage pipe located outside a street right-of-way. All easements shall be no less than 20 feet wide when used as an open ditch. Piped storm drainage shall have a minimum easement width of 20 feet wide.
- (2) Drainage easements off the street right-of-way shall be clearly defined on the plat and deed of the individual property owner, and such property owner shall keep the easement free of obstructions and maintain that part of the easement within the property owner's boundary line so that free and maximum flow is maintained at all times. The property owner shall not alter any drainage improvements without the prior written approval from the County.

1007 (c) Conservation and natural resource easements.

Conservation and natural resource easements, as may be required by this Development Code, shall be clearly defined on the plat and deed of the individual property owner, and must conform to the requirements set out for such easements in the Environmental Protection Article of this Code.

Sec. 1008 - Streets.

1008 (a) Access.

- (1) A publicly approved street meeting the requirements of this Article shall serve every development and every lot within a subdivision. Private streets must meet all public street standards unless modification is approved by the Board of Commissioners as part of a Master Plan for a PUD or a Concept Plan for an MPD pursuant to Sec. 1003 (j).
- (2) Every major subdivision (as defined in Article 5 of this Code) and every multi-family or nonresidential development project shall have access to the public street system via a paved road. Development and building permits shall not be issued unless continuous paved road access between the property and the public street system is provided by a publicly dedicated street or an approved private street. See also Section 1008 (g), Substandard streets.
- (3) A building permit shall not be issued on any property that does not front on or have approved access to a publicly dedicated street or an approved private street, in accordance with the minimum lot frontage and access easement provisions of this Development Code.
- (4) When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged and designed so as to allow for the opening of future streets and to provide access to those areas not presently served by streets.
- (5) No subdivision or development shall be designed in a way that would completely eliminate street access to adjoining parcels of land.
- (6) Reserve strips which control access to streets, alleys and public grounds shall be prohibited unless their control is placed in the hands of the County under ownership, dedication, or easement conditions approved by the County Attorney and the Department of Transportation Director.
- (7) Subdivision streets that intersect a State or U.S. numbered highway shall do so at intervals of not less than 500 feet, or as required by the Georgia Department of Transportation, whichever is greater. On all other roads, at least 250 feet must separate street intersections on the same side of the road, measured centerline to centerline. Compliance with sight distance requirements of this Development Code may require greater distances between street intersections.

1008 (b) Street classifications.

Streets are classified according to the function that they serve, the type, speed, and volume of traffic they will carry and the required standards of design. The classifications of streets and roads are as shown on the latest approved or amended *Comprehensive Plan or Transportation Plan* for the County.

1008 (c) Relation to present and future street system.

- (1) The street pattern within a development or subdivision shall provide for the continuation or appropriate projection of the existing street pattern of anticipated development, if any, at the same or greater width, but in no case less than the required minimum width. Topography and natural features such as streams and tree growth shall be considered.
- (2) Existing streets that adjoin a development or subdivision boundary shall be deemed a part of the development or subdivision. The proposed street system within a subdivision or non-residential development shall have the right-of-way of existing streets extended no less than the required minimum width, or the minimum right-of-way width of the roadway classification. Subdivisions and development sites that adjoin only one side of an existing street shall dedicate

one-half of the additional right-of-way needed to meet the minimum width requirement for the street classification. If any part of the subdivision includes both sides of an existing street, all of the required additional right-of-way shall be dedicated to the County at no cost.

- (3) Existing streets that adjoin a development or subdivision boundary shall be deemed a part of the development or subdivision. The proposed development must submit a traffic control devices plan for the existing streets and intersections for approval by the Department of Transportation.
- (4) All right-of way required for off-site improvements shall be acquired by the developer at no expense to Douglas County. If the Developer is unable to acquire the right-of-way, after making a good faith effort, the developer may petition the County for assistance, and the County may consider condemnation proceedings, at the expense of the developer, after authorization by the Douglas County Board of Commissioners.
- (5) Where, in the opinion of the Department of Transportation Director, it is necessary to provide for inter-parcel access to adjoining property, proposed streets shall be extended by dedication of right-of-way to the boundary of such property and existing streets through the development.
 - a. Where an existing street on the adjoining property terminates at the boundary of the development or subdivision, the street shall be extended into the development or subdivision.
 - b. Where no street exists on the adjoining property, a temporary turnaround shall be provided at the boundary of the development or subdivision at an appropriate location. See Section 1008 (d)(10)c for standards.
- (6) Subdivisions shall be laid out so as to discourage through traffic on local streets. However, the provision for the extension and continuation of arterial and collector streets into and from adjoining areas is required.
- (7) Where, in the opinion of the Department of Transportation Director or his designee, it is necessary to provide traffic calming measures to reduce the negative effects of motor vehicle use, alter driver behavior, and improve conditions for non-motorized street users, proposed developments will be required to submit traffic calming plans and/or studies to be implemented or coordinated through the approval, permitting, and construction process through the development procedures.
- (8) Where a subdivision abuts or contains an existing or proposed arterial street, the Department of Transportation shall require marginal access streets, single tier lots, or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the arterial street, and separation of local and through traffic.

1008 (d) Design standards for streets.

- (60) Arterial Streets.

All State or U.S. numbered highways shall meet all design requirements of and be approved by the Georgia Department of Transportation.

- (2) Local and Collector Streets.

All local and collector streets shall comply with the design and construction requirements of this Development Code, except that all State or U.S. numbered highways shall meet all design requirements of and be approved by the Georgia Department of Transportation.

(3) Minimum width of right-of-way.

Minimum width of right-of-way measured from lot line to lot line shall be as shown on Table 10.1.

60. Only traffic control signs pertaining to traffic regulations, warnings, route guidance, recreational and cultural guidance, and for government agency public information purposes shall be permitted within a street right-of-way. Traffic control signs must conform to the requirements of the *Manual on Uniform Traffic Control Devices* (MUTCD) latest edition and the Douglas County Department of Transportation's (DCDOT) standards and specifications. All signs must be submitted to the DCDOT for approval before being installed. **Table 10.1: Minimum Right-of-Way Width**

Street Classification	Width of Right-of-Way
Major Arterial Street* In low density areas In other areas	100 feet 120 feet
Minor Arterial Street* In low density areas In other areas	80 feet 100 feet
Collector Street* Residential (Single-family, Duplex)** Multi-family, commercial, industrial	60 feet 80 feet
Local Commercial or Industrial Street	80 feet
Local Residential Street w/swale ditches	60 feet
Local Residential Street w/curb & gutter	50 feet
Alleys	20 feet

*Per Georgia DOT for State and U.S. numbered highways.

**A Residential Collector is any street within a residential development that serves more than 100 dwelling units.

(4) Right-of-Way Requirements.

- a. Subdivisions and all non-residential developments that border an existing street that does not conform to the minimum right-of-way requirements per Street Classification of this Code shall provide additional width along one or both sides of such street or road so that the minimum right-of-way required by this Article is established. Subdivisions and non-residential developments abutting only one side of such a street or road shall provide a minimum of one-half of the right-of-way required per Street Classification by these regulations measured from the center of the existing right-of-way.
- b. Proposed Right-Of-Way to be dedicated to Douglas County for residential, commercial or industrial developments must follow the requirements of the Right-Of-Way / Easement Dedication Document Checklist and must be reviewed and approved by Douglas County Land Acquisition Coordinator.
- c. When a future street or road, as proposed in the Comprehensive Plan, adjoins or traverses the subdivision or development project, the future right-of-way shall be platted as part of the subdivision or development project. No development will be allowed within the platted future right-of-way except for drives and landscaping, and the platted future right-of-way is to be treated as a lot line for the provision of all setback lines as required by this Article. The developer will be contractually bound to the County to sell this strip of land to the County at a future date, for the amount stated in the tax digest. A right-of-way agreement shall be executed before the Department of Transportation Director approves the development.
- d. Right-Of-Way Miters are required at street intersections to allow for sufficient room to place traffic control devices and equipment. The Right-Of-Way miter for each roadway classification is identified below. The miter length is measured along the Right-of-Way, from the intersecting points of each roadway Right-Of-Way
 - i. Local Street and Residential Collector Streets: 20'
 - ii. Major and Minor Arterial Roadways: 30'

(5) Street grades.

- a. All streets shall have a minimum grade of 1 percent.
- b. Maximum grades for proposed streets by street classification shall be as shown on Table 10.2.
- c. The maximum grade across a cul-de-sac turnaround shall not exceed 5%.

Table 10.2: Street Grades and Design Speeds

Street Type	Maximum Grade	Minimum Design Speed
Arterial street	4%	55 mph
Collector street	8%	45 mph
Commercial/ Industrial Street	8%	35mph
Local Street	12%*	25 <u>mph</u>
Alleys	Varies	None

* Between 12 % and 14% may be allowed for distances not exceeding 150 feet.

(6) Minimum design speeds.

Street improvement requirements not otherwise addressed in this Development Code shall be designed to the minimum design speeds shown on Table 10.2.

(7) Vertical alignment of streets.

- a. Vertical alignments must meet the design criteria within the latest edition of the American Association of State Highway and Transportation Officials (AASHTO) *A Policy on Geometric Design of Highways and Streets* (commonly referred to as the "Green Book").
- b. In approaches to intersections, there shall be a suitable leveling of the street at a grade not exceeding 3% and for a distance of not less than 50 feet from the nearest line of the intersecting street.

(8) Horizontal alignment of streets.

- a. Horizontal alignments must meet the design criteria within the latest edition of the American Association of State Highway and Transportation Officials (AASHTO) *A Policy on Geometric Design of Highways and Streets* (commonly referred to as the "Green Book").
- b. Curved streets shall have a minimum tangent of 50 feet at intersections as measured from the centerline of cross streets. A tangent of a least 250 feet in length shall be introduced between reverse curves on arterial streets, 100 feet on collector streets, and 50 feet on local streets unless greater distance is required by DOT.
- c. Street jogs shall have a centerline offset of no less than 125 feet.
- d. Intersections. All streets shall intersect at no less than 60 degrees, and as near a right angle as possible. The angle of intersection is to be measured at the intersection of the street centerlines. Such intersecting streets shall provide an uninterrupted line of sight from the

center point of the intersection for not less than the minimum sight distance required in accordance with this Development Code

- e. Multiple intersections involving the junction of more than two streets shall be prohibited unless otherwise approved by the Department of Transportation Director.
 - f. Islands within roadways at intersections shall be subject to individual approval by the Department of Transportation Director. In no case shall any plantings or other improvements, with the exception of approved sign posts, extend more than 2 feet above the pavement within the right-of-way of the street.
 - g. Curb lines at street intersections shall have a radius of curvature of not less than 30 feet measured at back of curb. Where the angle of street intersection is less than 90 degrees, a longer radius may be required.
 - h. Intersecting street right-of-way lines shall parallel the back of curb of the roadway.
- (9) Minimum sight distance.
- a. Minimum sight distance must meet the design criteria within the latest edition of the American Association of State Highway and Transportation Officials (AASHTO) *A Policy on Geometric Design of Highways and Streets* (commonly referred to as the "Green Book").
 - b. Intersection Sight Distance (ISD) shall be provided at all street intersections equal to, or exceeding AASHTO minimum requirements. Minimum Sight Distance shall be provided along street roadways in accordance with this Subsection. The sight line shall be clear along its entire minimum length and unimpaired by intervening changes in street grade, horizontal alignment or obstructions. Examples of obstructions are vegetation, ground cover, signs, existing topography, etc.
 - c. Exception.

Where it is deemed by the Board of Commissioners that the application of a minimum sight distance requirement would render a property undevelopable, the Board of Commissioners, in its discretion, may reduce such requirements by 10% for each 5 miles per hour the maximum actual or design speed limit may be reduced on the major road involved, provided that:
 - 1. Written approval shall be obtained by the subdivider from the authority having jurisdiction over such speed limits; and
 - 2. The design speed shall not be reduced more than 10 miles per hour.
- (10) Dead-end streets (cul-de-sacs).
- a. A cul-de-sac street shall be no more than 600 feet long unless necessitated by topographic or other conditions and approved by the Department of Transportation Director. The measurement of 600 feet shall be from the nearest street intersection. If these conditions exist, the maximum length shall be 800 feet unless a greater length is approved by the Board of Commissioners.
 - b. Turnaround dimensions.

1. Cul-de-sacs in residential subdivisions shall terminate in a circular turnaround having a minimum right-of-way of at least 100 feet in diameter, and a paved turnaround with a minimum outside diameter of 80 feet.
2. Cul-de-sacs in commercial and industrial subdivisions shall terminate in a circular turnaround having a minimum right-of-way of at least 160 feet in diameter, and a paved turnaround with a minimum outside diameter of 120 feet.
- c. A dead-end street other than a cul-de-sac shall not be allowed except as a temporary stage of construction of a street that will be extended in a later stage of construction. Such a temporary dead-end street shall be provided with a temporary turn-around having a roadway radius of at least 40 feet if:
 1. one or more lots front exclusively on the street; and,
 2. extension of the street is not under construction when the Final Plat is submitted for recording.
 3. Temporary turnarounds shall consist of 3 inches of graded aggregate base and 1 inch of asphalt.

(11) Alleys and service drives.

- a. Alleys may be required at the rear of all lots used for multi-family, commercial or industrial developments.
- b. Alleys in residential subdivisions shall not be permitted, unless the alleys are intended to provide rear-access to garages on each lot.
- c. When allowed, dead-end alleys shall be provided with a turn-around having a roadway radius of at least 40 feet, a "T-head" turn-around, or other solution acceptable to the Department of Transportation Director.

(12) Half streets prohibited.

Half streets along development boundaries are prohibited. Whenever a street is planned adjacent to the proposed development or subdivision tract boundary, the entire street right-of-way shall be platted within the proposed development or subdivision.

(13) Split Level Streets.

A street that is constructed so as to have lanes in each direction at a different vertical level within the same right-of-way shall provide a pavement width of at least 14 feet in each direction and a vegetated median between the lanes having a slope of not greater than three to one. Split level streets will be allowed when:

- a. Topographic conditions are such that alternatives to the typical street construction would be more desirable.
- b. The shape and size of the parcel could be more efficiently developed.

In either case, approval must be obtained from the Department of Transportation Director for the specific design.

1008 (e) Street improvements.

Roadways shall be constructed and paved meeting the following standards:

- (1) Minimum width of pavement.
 - a. The minimum pavement width, measured from edge of pavement to edge of pavement, shall be as required for the street type on Table 10.3.
- (2) Street base.
 - a. Graded aggregate base course. The base course shall consist of mineral aggregate and may be a combination of natural deposit or a blend of the materials specified. All materials are subject to approval by the Department of Transportation Director. If a blend of materials is used, it shall be blended through a base plant that meets the latest specifications of the Georgia DOT.
 - b. Street base material shall conform to the thickness as required for the street type on Table 10.3.
 - c. GAB shall be extended at least 6 inches beyond the edge of pavement on streets without curb and gutter, and 6" beyond back of curb where curb and gutter is installed.
 - d. Wherever unsuitable material is found in the subgrade, the unsuitable material shall be replaced with graded aggregate stone or acceptable fill material.

Table 10.3: Street Base and Pavement

Street Classification	Width of Pavement*	Base	Binder**	Topping
Arterials and Collectors				
4-Lane + turning lane	60 feet	10 inches GAB	4½ inches B	2 inches E or F
2-Lane + turning lane	36 feet	10 inches GAB	4½ inches B	1½ inches E or F
2-Lane (incl. Residential Collector)	24 feet	10 inches GAB	4½ inches B	1½ inches E or F
Local Commercial or Industrial Street	36 feet	10 inches GAB	4½ inches B	1½ inches E or F

Local Residential Street	24 feet	6 inches GAB	3½ inches B	1½ inches F
Alley	20 feet	6 inches GAB	1¾ inches B	1½ inches F

*Not including curb & gutter, turn lanes, striped medians, etc.

**B-Modified shall be used whenever final topping is deferred.

***Per Georgia DOT for State and U.S. numbered highways.

(3) Pavement topping.

- a. Prime. After the base has been placed, mixed, compacted, shaped, inspected and accepted, it shall be primed with suitable asphaltic materials meeting Georgia DOT standards, if required.
- b. Roadway binder. After the prime has been inspected and accepted, the roadway or street shall be surfaced with Type "B" binder as required for the street type on Table 10.3. Type "B-Modified" binder shall be required whenever final topping is deferred in accordance with Sec. 1008 (e)(3)e.
- c. Tack coat shall be applied on a prepared road surface meeting Georgia DOT standards.
- d. Final topping shall consist of asphaltic concrete pavement as required for the street type on Table 10.3.
- e. Topping shall not be installed until one year after the final plat approval or building construction on 75% of all buildable lots has been completed, whichever comes first.

(4) Curb and gutter.

- a. Curb and gutter are required along:
 1. All new commercial and industrial streets and internal circulation areas.
 2. All new residential subdivision streets except for those subdivisions in which the minimum lot size is 5 acres or more.
 3. Existing County streets and roads that abut a subdivision where curb and gutter are required, or abut a multi-family or nonresidential development.
 4. New construction on existing County streets and roads, including deceleration lanes and travel lane widenings.

- b. All curb and gutter is to be 6-inch "L"-back type curb in accordance with County standards, unless roll-back type curb is approved by the County Engineer and the County Department of Transportation where grades permit and stormwater drainage will not be adversely affected.

1008 (f) Private streets.

- (1) Private streets, if approved by the County, shall meet all requirements and standards that apply to public streets unless modified in a PUD or master planned development under the provisions of Sec. 1003 (j).
- (2) The private street shall be located on a separate parcel owned by the Homeowner's Association or Property Owner's Association no less wide than that required for right-of-way for a similar public street with an easement covering the entire parcel. The easement must be recorded with each lot's deed and grant the right of vehicular access to every other lot served by the street, as well as the right to place public and private utilities therein, and shall state the maintenance of the street is the collective responsibility of all the property owners in the subdivision and/or Homeowner's Association/Property Owner's Association.
- (3) Owner's release.
 - a. At the time of purchasing property that is served by a private street, or upon any sale or resale of a lot, the purchaser shall acknowledge by execution of a release that the street is private and not maintained by the County, and that maintenance of the street is the responsibility of the owner or other private association or entity identified in the release. The release is to be prepared using a form acceptable to the County Attorney and shall be recorded with the Clerk of the Superior Court.
 - b. Failure to execute such a release shall not relieve the purchaser of maintenance responsibility for the private street.
- (4) Lot dimensional requirements.

For a property served by a private street:

 - a. The building setback, lot width and other dimensional requirements of the zoning district in which the property is located shall be measured from the private street easement.
 - b. Land located within the private street easement shall not be included in the area of the lot for the purpose of meeting the minimum lot area required by the zoning district in which the property is located.
- (5) Other standards.
 - a. A private street subdivision shall meet all other requirements and standards that apply to public subdivisions, such as storm water runoff and detention requirements, the provision of utilities, and traffic and street name signs.
 - b. Private streets shall be denoted as such on the street name signs for each such street. Proposed streets, which are extensions of, or in alignment with, existing or other proposed streets shall have the same name. Street names shall not duplicate or be phonetically similar to other existing street names. The County may require a different color than the

standard color for the street name sign, or may require that an additional sign be affixed to the street name sign pole indicating that the street is not maintained by the County.

- c. Any gate placed across a private street that limits access to a subdivision or development shall provide for unimpeded access by emergency vehicles, governmental vehicles on official business, and delivery services including the U.S. Postal Service. Accessibility to such gated communities shall comply with all Standards and requirements of the County for access activation.

1008 (g) Substandard streets.

In the event that access to a subdivision or development project is from a substandard street (i.e., a dirt or gravel road), the following project access improvements may be provided by the developer in order to obtain a development permit or building permit, as applicable:

- (1) The substandard street shall be upgraded by the developer to a paved roadway from all project entrances to the nearest standard paved road along the route of access.
- (2) The roadway section shall be improved by the developer to meet the requirements of the road functional classification in the current County official map.
- (3) The developer shall design the road and provide the labor, equipment and materials required for roadway improvements and necessary drainage improvements.
- (4) The right-of-way required for these off-site improvements shall be acquired by the developer at no expense to the County. If the developer cannot acquire adequate right-of-way, the County Attorney shall initiate acquisition proceedings at the expense of the developer after authorization by the Board of Commissioners.
- (5) If the County desires the roadway to be improved to a standard greater than that of the current road functional classification, the County shall provide or pay the cost of the additional right-of-way, materials and labor.

Sec. 1009 - Traffic Control Devices.

1009 (a) Street name signs.

- (1) Street name signs and posts of a type approved by the Department of Transportation shall be placed at all intersections. Street name signs must conform to the requirements of the *Manual on Uniform Traffic Control Devices* (MUTCD), latest edition and the Department of Transportation's Standards and Specifications. Street name sign plans and details must be submitted for approval before being installed.
- (2) Street name signs shall be installed by the developer at the developer's expense (or a homeowners association in the event an alternate signpost is chosen at a later date). Ornamental posts and frames may be used within developments provided they meet the break-away standards per AASHTO, pending approval, however all signs must conform to the MUTCD in relation to size, shape, color, materials, and reflectivity requirements. The Department of Transportation will not maintain or provide material replacements or credit for replacement of non-standard and decorative posts, frames, and signs. If a decorative post and sign requires maintenance or replacement, the D.O.T. will only provide the standard post and signage as a replacement option.

1009 (b) Traffic control signs.

- (1) Traffic control signs and posts of a type approved by the Department of Transportation shall be placed on County roadways, and intersections. Traffic Control signs must conform to the requirements of the *Manual on Uniform Traffic Control Devices* (MUTCD), latest edition and the Department of Transportation's Standards and Specifications. Street name sign plans and details must be submitted for approval before being installed.
- (2) Traffic Control signs shall be installed by the developer at the developer's expense (or a homeowners association in the event an alternate signpost is chosen at a later date). Ornamental posts and frames may be used within developments provided they meet break-away standards per AASHTO, pending approval, however all signs must conform to the MUTCD in relation to size, shape, color, materials, and reflectivity requirements. The Department of Transportation will not maintain or provide material replacements or credit for replacement of non-standard and decorative posts, frames, and signs.

1009 (c) Striping and pavement marking requirements.

- (1) All new development streets accessing County roadways shall provide appropriate intersection pavement marking, channelization, and raised pavement markers as required by the Department of Transportation.
- (2) Thermoplastic pavement markings or a type approved by the Department of Transportation shall be placed on County roadways, and intersections. Striping and pavement marking, including the installation of raised pavement markers (RPMs), must conform to the standards, materials, and requirements of the Georgia Department of Transportation, *Manual on Uniform Traffic Control Devices* (MUTCD), latest edition and the Douglas County Department of Transportation's Standards and Specifications. Striping and pavement marking plans and details must be submitted for approval before being installed.
- (3) Striping, pavement marking, and raised pavement markers shall be installed by the developer at the developer's expense.
- (4) All newly constructed streets having 3 or more lanes (including auxiliary lanes) and existing streets being widened with one or more additional lanes shall be striped by the developer at the developer's expense per the Department of Transportation's standards and specifications.

1009 (d) Traffic Signals and Signs

- (1) All traffic signals and associated signage shall conform to the MUTCD, Georgia Department of Transportation, and Douglas County Department of Transportation standards and specifications. Traffic signal requirements will vary dependent on field conditions and proximity to other traffic control signals.
- (2) The Department of Transportation requires the installation of permanent traffic control signal devices and structures where wood poles are considered temporary support strain poles and are only to be used on temporary traffic control signal installations as approved by the D.O.T.
- (3) Where, in the opinion of the Department of Transportation Director or his designee, that it may be necessary to provide traffic signal control at new or improved intersections, a traffic signal warrant analysis, based on the requirements of the MUTCD, and a traffic signal installation will

be required of the developer and at the developer's expense through the approval, permitting, and construction process through the development procedures.

- (4) Traffic signal plans and details must be submitted to the Department of Transportation Director for approval before being installed.

1009 (e) Traffic Signal System Interconnectivity.

- (1) Where, in the opinion of the Department of Transportation Director or his designee, it is necessary to provide traffic signal interconnectivity, coordination and signal timing optimization due to close proximity to an existing traffic signal, proposed developments will be required to submit plans and/or studies and fund the installation of these signal system impact improvements through the approval, permitting, and construction process through the development procedures.

Sec. 1010 - Street lights.

1010 (a) Declaration of policy and purpose.

The board of commissioners does hereby declare that it shall promote the health, safety and general public welfare of the citizens of the county by providing for the erection of streetlights in the public rights-of-way of the county. To that end, therefore, this Section is adopted in order to effect the creation of streetlight districts and to provide for the construction of LED streetlights in the public rights-of-way in the county. This Section shall not be deemed to apply to property in the county other than in the public rights-of-way.

1010 (b) Street light tax districts created; register; responsibility for cost.

- (1) There is created hereby special tax districts which shall be known as street light tax districts. Each such street light tax district shall contain and include the tax parcel number of each lot within the said street light tax district. Existing street light districts shall become street light tax districts upon the enactment of the legislation from which this subsection derived, and new street light tax districts shall be created upon application or proper petition and approval of the board of commissioners as provided hereinafter. Each new street light tax district so created shall contain the tax parcel numbers of each lot contained therein.
- (2) A register of street light tax districts shall be maintained in the office of Development Services Department and the office of the Douglas County Tax Commissioner. Such registers shall be available to the public for inspection upon reasonable notice to either of these offices.
- (3) The cost of providing and maintaining street light services as provided by this Section shall be borne by the owners of the property receiving that service. The charge therefore shall be such as is determined by resolution of the board of commissioners, giving consideration for the street lights, electrical service charges, and the size and number of the lots serviced by the street lights. In the event of excessive vandalism to street lights within a district which results in a county being billed for repairs, the county may pro rate these repair bills and add a pro rata share of these bills to the charge. Charges shall be assessed against all lots within the street light district whether or not the lot is located within the boundaries of a particular subdivision, so long as the lot is located within the boundaries of the street light district.

1010 (c) Collection and responsibility for administration.

- (1) The charges for street lighting in each street light district shall be paid as a street light district tax, and shall be collected concurrently with the ad valorem tax billed to each lot or lot resident within each street light tax district.
- (2) The administration of the services herein provided and for all billing and accounting shall be the responsibility of the board of commissioners or some department of the county government to which that responsibility shall be assigned by the board of commissioners.
- (3) Whereas the office of the tax commissioner of Douglas County shall be responsible for the timely collection of the tax assessed to each street light tax district, it shall not be responsible for accounting beyond its internal accounting procedures in order to provide an adequate record of the collection and the transmittal of the funds collected.

1010 (d) Lien created.

In addition to any other rights of collection for late or unpaid charges, the county shall have the rights available under the laws of the state for assessment, the creation of a lien upon the property of the owner receiving the service provided, together with all rights of execution, levy, foreclosure and sale.

1010 (e) Deposit required; forfeiture.

In addition to the other charges authorized in this Section, the county shall have the right to require deposits from the lot owners receiving the streetlight service in such amount as shall be determined by the board of commissioners. This deposit shall be held by the county as security for payment for services rendered pursuant to this Section, and the county shall have the authority to set off against the deposit for nonpayment for services at such times and on such occasions as shall be determined by the county. Notice of such setoff shall be given to the lot owner by mail at the address of the property serviced by the streetlights, although advance notice of such setoff shall not be required. In the event of a reduction in the deposit of a property owner because of failure to pay charges assessed pursuant to this Section, the lot owner shall be required to restore the deposit to its required level upon request by the county.

1010 (f) Streetlight construction by property developers.

- (1) All developers of residential subdivisions in the county with lots less than 5 acres in size, and all developers of shopping centers, industrial parks, and similar such developments and nonresidential developments regardless of their size shall be required at their own expense to provide LED streetlight services in the public rights-of-way in such developments in conformity with this Section.
- (2) Such developers, or their designee, shall present a proposed streetlight layout, which details the streetlight service for the development. The proposal presented by the developer must be approved by the County Engineer prior to any streetlight installations for that development. All approved streetlights shall be installed prior to the expiration of any bonds associated with the development. All fixtures and standards/poles installed or to be used shall be approved not only by the county but also by the utility company which will provide electricity to the streetlights and which will be responsible for the maintenance of the facilities. All such fixtures shall have appropriate arm length to place the light over the street, provided that no arm shall be less than 2.5 feet long. Streetlights shall be designed to provide uniform illumination throughout their coverage area. Should the County Engineer disapprove the streetlight layout, the grounds for disapproval shall be communicated in writing to the developer. Any such disapproval by the

County Engineer may be appealed to the board of commissioners by filing a request for review with the County Engineer within 30 days from the date of the written notice of disapproval. The County Engineer shall at that point transmit to the board of commissioners all papers and related documents pertaining to the action taken by the County Engineer, and the board of commissioners shall review the matter at the next regularly scheduled public meeting. The board of commissioners may reverse or affirm, entirely or in part, the decision of the County Engineer.

- (3) At the time of the submission of the final plat for the subdivision, or prior to the issuance of a Certificate of Occupancy for a shopping center, industrial park, office park or other such development on which streetlights have been constructed at the expense of the developer, the developer shall pay to county in advance a sum equal to the customary streetlight rates charged by the county for similar developments for a period of one year.
- (4) The County Engineer shall not approve the final plat until such time as all the provisions of this subsection have been satisfied, and until the developers further submit to the County Engineer proof of payment for construction and installation of the streetlights in the areas sought to be dedicated, together with a copy of an executed agreement with the appropriate utility company for complete maintenance of all streetlights and related structures, wires and installations.
- (5) Upon the recommendation of the subdivision review staff the board of commissioners shall approve or deny the final plat at a regularly scheduled board of commissioners meeting not later than 45 days following the submission of the recommendation of the review staff. The streetlight district is created upon the approval of the board of commissioners of the final plat. The date of creation for the streetlight district shall be the date of approval of the final plat.
- (6) Notwithstanding all other provisions of this Development Code and other Douglas County ordinances, any developer, contractor or other persons securing approval in accordance with Sec. 1010 (f) shall post a bond equal to the installation cost and one year's electrical power for the street lighting. This bond must be given at the time of written approval of design as specified in Sec. 1010 (f)(2). The bond shall be payable to the chairman of the board of commissioners of Douglas County, Georgia and will provide that it shall remain in full force and effect until such time as the county manager of Douglas County or his designed representative shall have indicated that the work required for the construction and installation of street lighting in a subdivision has been satisfactorily completed.

1010 (g) Lighting in existing residential areas; creation of streetlight districts.

- (1) Any lot owner in any unincorporated area of the county may present a request for the creation of a streetlight district to the County Engineer. Upon receipt of the request, the County Engineer shall determine the appropriate boundaries for a street lighting district which will serve the lot owner presenting the request and neighboring lot owners. The County Engineer shall then prepare a plat showing this proposed street lighting district, and a petition for the creation of the proposed street lighting district shall then be circulated among the lot owners in the proposed district. If 75 percent of the lot owners in the proposed district sign the petition for the creation of a street lighting district, the petition shall be presented to the board of commissioners. The board of commissioners shall conduct a public hearing for the purpose of determining whether or not to create the proposed street lighting district, giving consideration to safety and economic factors in making such determination. Unless 100 percent of the lot owners have signed the petition, the public hearing shall be advertised one time in the official

organ of the county; and signs shall be posted in the proposed street lighting district giving notice of the hearing, at least 10 days before the public hearing. The number and size of the signs shall be such as is required by this Development Code for a request to rezone property.

- (2) The petition for creation of the proposed street lighting district must be returned to the County Engineer within 90 days after it is obtained from such engineer's office. The County Engineer, in such engineer's sole discretion, will verify the signatures on the petition prior to advertising the public hearing.
- (3) All other provisions of this Section with respect to payment for street lighting, including provisions for required deposits, shall apply equally to the services created and provided pursuant this subsection. The lot owners within the requested streetlight district shall be required at their own expense to provide the requested streetlight services in the public rights-of-way in such requested districts in conformity with this Section.
- (4) All fixtures and standards/poles installed or to be used shall be approved not only by the county but also by the utility company which will provide electricity to the streetlights and which will be responsible for the maintenance of the facilities. All such fixtures shall have appropriate arm length to place the light over the street, provided that no arm shall be less than 2.5 feet long. Streetlights shall be designed to provide uniform illumination throughout their coverage area.

1010 (h) Lighting in other areas.

Street lighting in any other areas in the county shall be authorized upon recommendation by the Department of Transportation Director, approval by the board of commissioners, and compliance with the rules and regulations established by this Section.

1010 (i) Creation of districts under special conditions.

In areas where special conditions as to safety, security, land topography, economic and other factors may be involved, the board of commissioners may create special lighting districts and provide for special street lighting under such terms and conditions as may be determined by the board of commissioners, any other provisions of this Section to the contrary notwithstanding; provided, however, that in such instances, a public hearing shall be held by the board of commissioners after advertisement in the official organ of the county one time at least 10 days before conducting such public hearing.

1010 (j) Authority to contract with public utilities.

The board of commissioners may contract with the public utilities for the purpose of carrying out the terms of this Section.

1010 (k) Other lights in or near public right-of-way.

The approval of the Department of Transportation Director shall be necessary before any person shall be authorized to install a security light or other such lighting fixture within the public right-of-way. All lighting fixtures within or near the public rights-of-way shall be installed and operated in such a manner so as to prevent interference with the normal use of the public rights-of-way in any manner, including glare, location of blinds, and other such means of potential interference.

1010 (l) Operation standards.

The Development Services Department and the Department of Transportation, in conjunction with the appropriate local utility companies, and in consideration of the *American National Standard Practice for Roadway Lighting* of the Illumination Engineering Society, as approved by the American National Standards Institute (1973), as amended, shall seek to insure adequate illumination of the public rights-of-way, and, to that end, shall be authorized to require lighting fixtures to be installed which comply with certain minimum foot-candle illumination standards.

1010 (m) Exceptions to terms of this section.

The board of commissioners may grant exceptions to the literal terms of this Section where special conditions or hardships exist.

1010 (n) Federal, state laws to prevail in conflicts.

If any provision of this Section is in conflict with any state or federal law, or with any rule, regulation or order of any agency of this state or federal agency having jurisdiction of the subject matter of this Section, it is hereby deemed to be the intention of the board of commissioners that the state or federal law or rule, regulation or order, as the case may be, shall prevail so that the remaining portion of this Section shall be deemed to be of full force and effect.

1010 (o) Rate schedule.

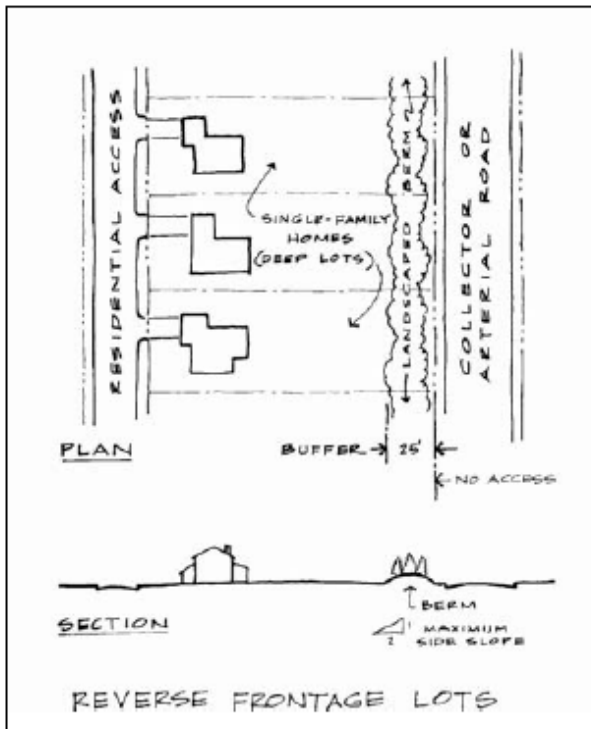
The board of commissioners is authorized to adopt a rate schedule from time to time in accordance with the provisions of Article 14 regarding schedules and fees.

Sec. 1011 - Driveways and development entrances.

All proposed subdivisions, subdivision lots and other land developments shall be provided with driveways or development entrances meeting the following requirements:

1011 (a) Driveway access to a State road.

Access onto a State road shall meet existing Georgia Department of Transportation requirements, except that the entrance must be paved within the right-of-way. A copy of the Georgia Department of Transportation permit shall be submitted to the Department of Transportation Director before the plans can be approved.



1011 (b) Driveway access to County roads.

- (1) Residential lots in any major subdivision shall have no direct driveway access to an arterial road or a collector (other than a residential collector) unless approved by the Board of Commissioners, or to a State or U.S. numbered highway unless approved by the Georgia DOT, and incorporated into the construction drawings for the project prior to issuance of a development permit by Douglas County.
- (2) Reverse frontage lots may be utilized but are not required in major residential subdivisions where direct access to a County road, or to a State or U.S. numbered highway, is not allowed.
- (3) An easement of at least 10 feet in width, across which there shall be no right of access, shall be provided in a major residential subdivision along the line of lots abutting any pre-existing collector or arterial road. A 10 foot no access easement when required by the Department of Transportation Director also applies for non-residential developments along any road functional classification.
- (4) The houses in a major residential subdivision adjacent to any pre-existing collector or arterial road must be screened from view from said road as follows:
 - a. The 10-foot no-access easement may be improved with a structural zoning buffer meeting the requirements of the Landscaping, Buffers and Tree Conservation Article of this Development Code; or
 - b. A 25-foot wide zoning buffer may be provided as follows:
 1. The buffer may retain its natural vegetation if existing trees and understory shrubs will adequately screen the view of the adjacent houses.

2. Any combination of a landscaped berm, supplemental vegetation or opaque fencing may be added within the buffer to provide adequate screening.
- (5) When a driveway abuts on an existing or proposed minor or major arterial, a turnaround shall be required.
- (6) Sight triangle at street and driveway intersections
 1. A sight visibility triangle shall be located at every street intersection with another street or a private driveway within which fences, walls or structures obscuring visibility shall be prohibited.
 - a. At public street intersections, the sight visibility triangle is delineated by the two intersecting street right-of-way lines and a line connecting the right-of-way lines at the points indicated in the Sight Triangle Table. The length of distance A shall be measured along the travel-way edge of pavement or curb of the street which A represents. The length of Distance B shall be measured along the centerline of the intersecting street which B represents.
 - b. At private driveway intersections with public streets, the length of distance A shall be measured along the travel-way edge of pavement or curb of the street which A represents. The length of Distance B shall be measured along the centerline of the private driveway which B represents.

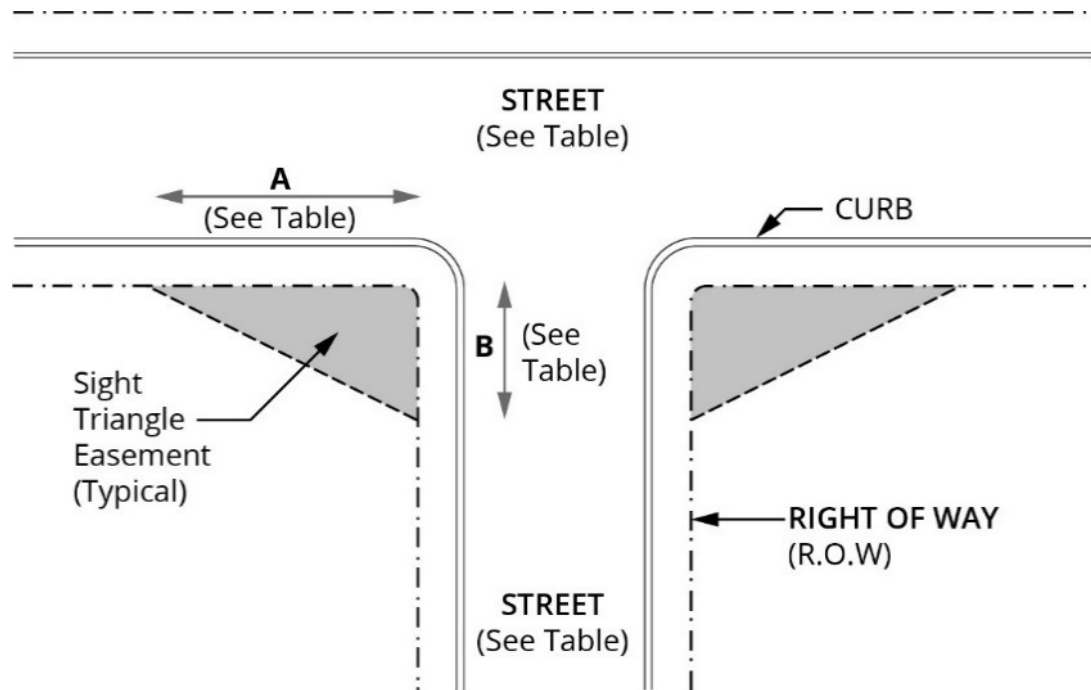


Figure 11-1 Sight Triangle

Table 11-12. Sight visibility Triangle Table (See Drawing)

"B" Distance in Feet	"A" Distance in Feet

	Local Street	Collector	Arterial
Private Drive - 15	40	20	20
Local Street - 35	50	50	50
Collector - 50	35	50	50
Arterial - 50	35	50	50

- Any vegetation or plantings within the triangle shall have a mature height maximum of 30 inches or a canopy opening no less than 8 feet. The location of structures exceeding 30 inches in height that would obstruct the clear sight across the sight visibility triangle shall be prohibited except that formal Monument signs with decorative landscaping advertising the entrance to a residential subdivision may be approved with alternate distance requirements by Department of Transportation.

1011 (c) Access easements.

Vehicular access may be provided from a public street via easement in any one or more of the following circumstances:

- The property existed in whole as a legal lot of record prior to the adoption of this Development Code, but does not meet the minimum frontage requirement for the applicable zoning district. The property must be served by an exclusive access easement that shall be limited to the provision of access to only one principal use or structure on one lot.
- The access easement for a major subdivision serves one single-family residence on a lot which is otherwise a buildable lot of record which meets the minimum size, frontage, lot width and other requirements of this Code, unless otherwise approved by the Department of Transportation Director.
- The access easement was lawfully established as such prior to the adoption of this Development Code.
- The access easement coincides with a private street approved by the County. The ownership and maintenance responsibility by private party(s) must be clearly established on the final plat of the development.
- The access easement serves a buildable lot of record which meets the minimum frontage requirements of this Development Code, but from which access cannot be achieved.
- An access easement may be utilized by lots within a Minor Subdivision when said lots are over 5 acres in size. The minimum width of the easement shall be 25 feet and the maximum number of lots the easement may serve shall be 5 lots. Lots within a Major Subdivision shall be served by internal road networks as required under the provisions of the Major Subdivision development standards.

1011 (d) Residential subdivision entrances.

- Entrance streets to all major residential subdivisions containing more than 25 lots shall construct a deceleration lane at each entrance to the subdivision. See Sec. 1012, below.

- (2) New residential major subdivisions with 25 lots or fewer whose entrance is on an existing collector or arterial road shall install offset radii and 50 foot tapers.

1011 (e) Commercial/industrial subdivision entrances.

- (1) A deceleration lane shall be installed at all entrance roads into a commercial or industrial subdivision. See Sec. 1012, below.
- (2) The Department of Transportation Director may require a traffic study to determine if the project's size warrants a center turn lane, longer deceleration lane, an acceleration lane or other improvements. If the traffic study determines that the traffic generated by the project warrants it, the Department of Transportation Director will require the additional improvements or other mitigating measures.

1011 (f) Driveways for multi-family and non-residential development projects.

- (1) Multi-family and nonresidential development projects shall install a deceleration lane at each driveway entrance connected to a collector, arterial or local street. See Sec. 1012, below. For such a project located on a corner lot, a continuous 12-foot wide travel lane shall be provided in lieu of a deceleration lane along both intersecting streets for length of the property's frontage (but not exceeding 200 feet).
- (2) The spacing, geometric configurations and number of driveways for proposed commercial and non-commercial developments along the County road system will be determined by the Douglas County DOT and shall be in accordance with any formal Douglas County DOT driveway and encroachment control regulations, which may be in effect at the time development takes place, or may be determined by an approved traffic study prepared for and in conjunction with a specific development.
- (3) Commercial businesses on corner lots that have frontage on interior residential subdivision streets shall have access only from the main street.
- (4) The Department of Transportation Director may require a traffic study to determine if a center turn lane, a longer deceleration lane, an acceleration lane or other improvements will be necessary. If the traffic study determines that the traffic generated by the project warrants it, the Department of Transportation Director will require the additional improvements or other mitigating measures.

Sec. 1012 - Deceleration lanes and turn lanes.

1012 (a) Deceleration and turning lanes; where required.

- (1) A deceleration lane shall be required at each entrance to a residential subdivision of more than 25 lots, at each entrance to a commercial or industrial subdivision, and at each entrance to a multi-family or nonresidential development project at its point of access.
- (2) A left turning lane shall be required for each entrance to a subdivision or development project intersecting a major arterial street, or where warranted by traffic study.

1012 (b) Median breaks.

If the street has an existing or proposed median, and the developer is approved by the County or Georgia DOT, as applicable, to construct a median break to serve the development, a left turn lane

leading to the median break shall be provided by the developer meeting the design standards of the County.

1012 (c) Deceleration and turn lane constructions standards.

- (1) Deceleration lanes and left turn lanes shall be designed as defined below:

35 MPH and less roadways: 12 foot wide lane (exclusive of curb and gutter), 150 foot storage lane, with an additional 50 foot taper length.

40 MPH and greater roadways: 12 foot wide lane (exclusive of curb and gutter), 200 foot storage lane, with an additional 100 foot taper length.

Additional right-of-way to accommodate the deceleration lane or turn lane and a 12 foot shoulder shall be dedicated by the developer to the County.
- (2) Curb and gutter, deceleration lanes and tapers are required, unless otherwise waived or modified by the Department of Transportation Director due to site, drainage or continuity considerations.
- (3) Associated drainage improvements as deemed necessary by the construction of the deceleration or turn lane shall be required.
- (4) Other project access improvements may be required by the Department of Transportation Director in addition to or in lieu of a required deceleration lane in order to ensure adequate site access, pedestrian access, convenience and safety to the motoring public, based on a traffic study prepared by a professional engineer.
- (5) The developer will pay the cost of any catch basins that must be constructed along an existing County road as a result of the deceleration lane.
- (6) Utilities and drain pipes shall be relocated at the developer's expense outside of the deceleration lane.

Sec. 1013 - Sidewalks.

The Director of Douglas County Department of Transportation will have the authority to impose additional sidewalk requirements beyond what is specifically stipulated in this section. Sidewalks shall be installed according to County standards by the developer under the following circumstances:

- (1) A 5-foot sidewalk shall be provided within the right-of-way of any arterial, collector or local streets adjacent to any residential, commercial, or industrial development. The sidewalks shall be installed prior to final plat approval for residential developments or certificate of occupancy for commercial or industrial developments.
- (2) Within a residential subdivision, a 5-foot sidewalk shall be provided on both sides of every street within the subdivision. Beyond a 1-mile radius of any public school, a residential subdivision that has lots averaging less than 3 acres in size and containing more than 10 dwelling units shall install a sidewalk on both sides of every street within the subdivision.
- (3) Sidewalks shall meet the following standards:

- a. The sidewalk must be 5 feet wide and the materials must meet Douglas County Department of Transportation standards and specifications.
- b. The sidewalk must be located at least 4 feet from the back of the street curb. A setback of less than 4 feet from back of the street curb may be approved at the discretion of the Director of Transportation for specific site conditions, provided there is sufficient justification acceptable to the Director of Transportation.
- c. ADA compliant ramps must be installed at street intersections and other locations where crosswalks are marked or where pedestrian crossing is anticipated. Ramps must contain Truncated Domes as detectable warning surface.

Alternative compliance. The intent of the sidewalk requirements is to ensure that sidewalks are provided for public pedestrian use on all developed sites. Occasionally, this intent is better served in a different location within the county. To provide a viable alternative for such cases, the developer may be allowed to contribute to the Douglas County Sidewalk Fund with the concurrence of the Director of the Department of Transportation.

1. The Director of the Department of Transportation must review and approve all requests for alternative compliance. The land disturbance permit will only be issued after the Development Services Department has approved the request and received the necessary documentation and/or funds.
2. If, in the opinion of the Director of the Department of Transportation, sidewalks would not be a benefit to the public at the development site due to lack of pedestrian traffic, dangerous conditions, etc., the permit holder may pay the County 100 percent of the total cost of labor and materials of sidewalks at the site, and the County will use this money to install sidewalks on public property. The site shall be clear of all obstacles and final graded as if the sidewalk will be constructed. Actual fees shall be set by the Board of Commissioners from time to time pursuant to the Administration and Enforcement Article of this Code regarding schedules and fees.
3. The Douglas County Sidewalk Fund will be administered by the Department of Transportation. A report for the Douglas County Sidewalk Fund will be made available to the Board of Commissioners by the Finance Department as part of the County's annual audit.

Sec. 1014 - Storm drainage.

Systems and facilities for the conveyance and control of stormwater shall be designed, installed and maintained in accordance with the requirements adopted by the WSA, subject to the following County standards.

1014 (a) Stormwater pipes within streets.

Within public street rights-of-way or private street easements, the following shall apply:

- (1) The stormwater pipe may not less than 24 inches in diameter when under a street and not be less than 18 inches in diameter otherwise.

- (2) No stormwater pipe running parallel to the existing primary road shall be located beneath acceleration/deceleration lanes. The Department of Transportation Director may modify or waive this requirement if unusual circumstances exist such as topography.
- (3) The inlet and outlet end of all stormwater pipes (including driveway pipe) shall have either safety slope end sections or rectangular concrete headwalls that meet the standards of GDOT.
- (4) Maximum continuous length of pipe shall be 300 feet unless otherwise approved by the Director of Development Services.
- (5) Junction boxes having access to the pipe shall be constructed to meet the requirements of GDOT.
- (6) Minimum clearances.
 - a. Two feet between the bottom of the base or sub-base, if used, and the exterior crown of the stormwater pipe are required under the roadway.
 - b. A minimum of 6 inches between underground utilities and the exterior crown of the stormwater pipe.

1014 (b) Materials and installation.

- (1) Table 10.4 sets out guidelines for the use of storm sewer pipes by pipe material and type of installation.

Table 10.4: Selection Guidelines for Storm Sewer Piping

		Corrugated Steel AASHTO M-36		Corrugated Aluminum AASHTO M-196	Plastic AASHTO M-294 Per Ga. DOT Standards	
Type of Pipe Installation	Reinforced Concrete Pipe (RCP)	Aluminized Type II CMP	Bituminous Coated CMP	Aluminum Alloy CMP	Corr. High Density Polyethylene Smooth Lined	Reinforced Concrete Box Culvert
LONGITUDINAL Grade less than 10%	YES	YES	YES	YES	See Note 1	n/a
LONGITUDINAL Grade 10% or more	NO	YES	YES	YES	See Note 1	n/a

CROSS DRAIN Local Street	YES	NO	NO	NO	NO	n/a
CROSS DRAIN Collector or Arterial St.	YES	NO	NO	NO	NO	n/a
CROSS DRAIN Flowing stream	YES	See Note 3	NO	NO	NO	n/a
CROSS DRAIN 25 year flow >200 cfs Fill depth > 18 feet	See Note 2	See Notes 2 & 3	NO	See Note 2	NO	YES

Note 1 Corrugated high density polyethylene pipe, smooth lined type "S", can only be used for residential driveway applications and must be manufactured and installed in strict compliance with Georgia DOT Standard 1030-P. HDPE applications shall not exceed 36 inches in diameter.

Note 2 Reinforced concrete box culverts are required under excessive flow and/or fill depth conditions. Approved pipe materials may be utilized in some instances, based on the Department of Transportation Director's assessment of existing conditions and future maintenance requirements.

Note 3 The addition of a Type "A" full bituminous coating is required. (AASHTO M-190).

- (2) Only reinforced concrete pipe shall be used within street rights-of-way for arterial roads, and major and minor collectors. On local streets, only reinforced concrete pipe shall be used under the roadway. Concrete pipe shall not be used on grades exceeding 10%. Metal pipe may be used within the rights-of-way of local streets (except under the roadway) and for driveway culverts. Metal pipe shall either be corrugated steel (AASHTO M-36) with aluminized Type II or bituminous coating, or corrugated aluminum alloy pipe (AASHTO M-196).
- (3) Corrugated high density polyethylene pipe, smooth lined type "S", can only be used for residential driveway applications and shall not exceed 36 inches in diameter.
- (4) Pipe installation shall conform to Georgia Department of Transportation Standard Specifications for construction of roads and bridges. Before any traffic over a storm drain is allowed, the developer shall provide an adequate depth and width of compacted backfill to protect the structure from damage or displacement. The developer shall remove any debris or silt that constricts the flow through a pipe as often as necessary to maintain drainage. All pipe

structures shall be cleaned before the work is accepted. Any damage or displacement that may occur due to traffic or erosion shall be repaired or corrected at the developer's expense.

- (5) Trench construction for storm drainage pipe shall be in accordance with State Highway Standard 1030D (or most current).
- (6) Storm drainage pipe shall be bedded in Type 57 gravel where wet conditions are encountered.
- (7) Backfilling of trenches shall be accomplished immediately after the pipe is laid. The fill around the pipe shall be placed in layers not to exceed 6 inches with each layer being thoroughly compacted. All material shall have an in place density of 98% modified proctor to a depth of 6 inches below the finished grade, and 95% modified proctor at depths greater than 6 inches below the finished grade. Compaction requirements shall be attained by the use of mechanical compaction methods. Each layer of backfill shall be placed loosely and thoroughly compacted in place.
- (8) All backfill shall be non-plastic in nature, free from roots, vegetative matter, waste, construction material or other objectionable material. Said material shall be capable of being compacted by mechanical means and shall have no tendency to flow or behave in a plastic manner under the tamping blows.
- (9) Material deemed by the Department of Transportation Director as unsuitable for backfill purposes shall be removed and replaced with selected backfill material.
- (10) Water shall not be permitted to rise in trenches that are not backfilled after the pipe has been placed.

1014 (c) Field changes.

Minor changes to construction plans that are approved because of field conditions shall be documented as revisions to the approved development plans and correctly shown on the as-built surveys.

Discrepancies between the as-built surveys and the approved development plans may result in delays in approving final plats or certificates of occupancy.

1014 (d) Open Drainage Easements

In cases where the developer chooses not to develop a particular property through which the drain runs, then the trench may be left open; however, in any case, a twenty (20) foot easement shall be shown on the plat and no building or driveway shall be built over or within forty (40) feet of the open drainage easement. In cases where stormwater conveyances exist or are proposed on buildable lots, stormwater pipes shall be designed and installed across said lots from property line to property line with the following exceptions as approved by the Development Services Director or his/her designee: 1.) The pipe may begin at proposed structures located on the right-of-way or where defined clearing limits are established upstream, and 2.) the outlet end may terminate at a point where existing state waters exist, where defined clearing limits are established, or at existing stormwater structures. No building permit will be approved unless the installation meets the requirements of the county.

Sec. 1015 - Water supply.

- (1) Public water service shall be provided to every lot in every subdivision and to every development for both domestic use and fire protection if public water is available or under bid or contract to be available within 1,000 feet of the subdivision or development.

- (2) All water system improvements and their installation shall meet the adopted standards of the Douglasville-Douglas County Water and Sewer Authority. A contractor approved by the WSA shall install all elements of the water system, including mains, valves, service laterals through the curb line, and fire hydrants at the developer's expense.
- (3) If a public water system is not available nor under bid or contract to be available, the subdivider shall provide a water supply system to each lot in conformity with the regulations of the County Health Department and the WSA.

Sec. 1016 - Fire hydrants.

- (1) Fire hydrants are required in all subdivisions and development projects served by a public water system.
- (2) Fire hydrants as specified by the Fire Department and the WSA shall be located every 500 feet and/or at every intersection, whichever is closer.

Sec. 1017 - Sanitary sewage disposal.

- (1) When in the written opinion of the Health Department and the Douglasville-Douglas County Water and Sewer Authority, public sanitary sewers are within reasonable access of the subdivision, the subdivider shall provide sanitary sewer services to each lot within the bounds of the subdivision. All sewer service lines in the subdivision shall be installed by the subdivider.
- (2) When in the written opinion of the WSA a public sanitary sewer is not acceptable, an alternate method of sewage disposal for each lot may be used when in compliance with the Health Department requirements. A community sewage disposal system may not be used.
- (3) In a drainage basin that, at the time of plat application, is scheduled for a public sewage system within 3 years, all subdivisions shall be provided with a temporary community sewage disposal system, as approved by the Health Department and the WSA. Such systems shall include permanent sewerage outfall lines plus a temporary treatment system to be installed by the subdivider.
- (4) Whenever the installation of a sanitary system is required as provided by these regulations, no new street shall be paved without such sewer being first installed in accordance with the requirements of the state department of human resources sewer specifications and the WSA specifications.

Sec. 1018 - Location of utilities and street cuts.

1018 (a) Location of utilities in streets.

- (1) Above-ground utilities.

Street light poles, junction boxes, transformers and other public or private utility structures placed above ground within a public street right-of-way or private street easement must meet set-back criteria and clear zone distance criteria based on the latest edition of the *Roadside Design Guide*, by the American Association of State Highway and Transportation Officials, or at least 9 feet back from the back of the street curb (or edge of pavement) and 1 foot back from the edge of any sidewalk, whichever is farthest from the roadway.

(2) Underground Utilities.

- a. All electric, telephone, cable TV and other wires shall be placed underground in any major subdivision, and in any multi-family or nonresidential development.
- b. Utilities placed underground shall be placed within the street right-of-way or easement as shown on the County Construction Standards and Specifications.
- c. The right-of-way is to be cleared and rough graded the full width prior to any utility installation.
- d. Any disturbance or construction in the completed (seeded and/or sodded) right-of-way by a public utility such as power, water, sewer, gas, phone and cable must be repaired and/or replaced with the specified materials as called for in the initial improvements.
- e. All utilities beneath pavement shall be installed and the ditch backfilled and thoroughly compacted before any pavement or base is installed, or the pipes shall be bored if installed after street construction.
- f. All utility manholes and valve boxes shall be brought to the finished grade within the roadway section. If delay of final topping is approved, manholes and valve boxes shall be installed flush with the binder, and shall be raised to finished grade by the developer when the final topping is installed.
- g. All private utilities that will cross under pavement shall be installed completely throughout the subdivision prior to any roadway base being applied. Installation of approved utility sleeves shall be considered as an alternate, or shall be bored is installed after the street has been constructed.

1018 (b) Utility Permits.

- (1) All construction plans for utility repairs or new utility installations within Douglas County rights-of-way shall be reviewed and approved by the Director of the Douglas County DOT and shall be in accordance with any formal Douglas County DOT utility permit regulations or guidelines which may be in effect at the time a request is received.
- (2) No existing County road can be open cut unless unusual circumstances as determined by the Douglas County DOT warrant it and shall be approved by the Director of the Douglas County DOT. Any request for approval to open cut an existing County road must be submitted with sufficient documentation to enable the approving authority to make a reasonable determination as to the necessity for an open cut.
- (3) If a pavement cut is approved, all trenches shall be backfilled and compacted the same day the trench is opened unless otherwise approved by the Director of the Douglas County DOT.
 - a. Trenches under the paving shall be returned to 95% compaction. The backfill in all such ditches will be thoroughly compacted in 6-inch lifts, the subgrade shall be brought to the lines, grades, and typical roadway section shown on the plans.
 - b. See County Construction Standards and Specifications for details.

DIVISION II. - PROJECT CONSTRUCTION.

Sec. 1019 - Overview—project construction.

1019 (a) Development activity.

(1) Preconstruction activity.

Following the issuance of any permit authorizing clearing and grading of a site, areas required to be undisturbed, such as natural zoning buffers or stream buffers, must be designated by survey stakes, flags, ribbon, or other appropriate markings and shall be inspected and approved by the Development Services Department prior to the commencement of any clearing or grading activities.

(2) Construction Activities Restricted to Certain Hours

It shall be unlawful for any person to engage in or conduct any activity in the construction of any building or structure, the moving of earth, or the laying of any pavement, including, but not limited to, the making of any excavation, clearing or grading of surface land, and loading or unloading material, equipment, or supplies, except between the hours of 7:00 am and 7:00 pm, Monday through Saturday. A Special Permit issued by the Development Services Director will be required for work at different hours. Applications for such permits shall be made in writing to the Development Services Director and shall state the name of the applicant, his business address, the location of the proposed work, the reason for seeking a permit to do such work outside of the normally permitted hours, and the estimated time of the proposed operation. No such special permit shall be issued except where the public peace, health or welfare will not be adversely affected by such issuance or will be harmed by failure to perform the work at the times indicated.

(3) Grading.

- a. Grading shall be done in accordance with the lines and grades drawn on the approved grading plan.
- b. Required erosion and sedimentation control measures and stormwater drainage facilities are to be installed in accordance with the approved plans as development progresses.

(4) Bonds.

Performance and Maintenance bonds in accordance with Section 1027 shall be submitted prior to obtaining a Development Permit as deemed necessary by the Director of the Department of Transportation where construction activity related to any project could possibly damage County roads. The amount of the aforementioned bond shall be determined by the Director of the Department of Transportation.

1019 (b) Development phase inspections.

Requests for inspections shall be made by the owner or contractor to the Development Services Department at least 24 hours prior to when the inspection is needed. Inspections shall be made and passed prior to continuation of further activity or proceeding into new phases. Inspections are required of each of the following phases, as applicable to the actual work to be performed under the development permit:

- (1) Prior to clearing or clearing and grubbing of the property or any portion included under the development permit, inspection of erosion and sedimentation control measures and protective

devices for undisturbed areas. Inspection of erosion and sedimentation control measures will be conducted on a continuing basis.

- (2) Upon completion of street grading, inspection and approval shall be required prior to trenching or continuation with subgrade preparation.
- (3) Upon installation of storm drainage pipe, detention, or other storm water facilities.
- (4) Street curbing and gutter (if provided). Inspection shall be requested after the forms or string line have been set. Street width and vertical and horizontal alignment may be spot-checked.
- (5) Sub-grade of streets. After compaction and receipt of test reports by the Development Services Department. The sub-grade may be roll tested with an 18-ton load on a tandem dump truck and shall pass to the satisfaction of the Development Services Department Inspector.
- (6) Street base. After receipt of test reports by the Development Services Department, the base may be string-lined for depth and crown. The street base may be roll-tested with an 18-ton load on a tandem dump truck and shall pass to the satisfaction of the Development Services Department Inspector.
- (7) Paving. A Development Services Department Inspector may be on site during the paving process to check consistency, depth, and workmanship, as applicable. For asphalt paving, the temperature of the material will be monitored and the street will be cored after completion to check thickness and density. Satisfactory test results of the cores shall be delivered to the Development Services Department prior to approval of a final subdivision plat or certificate of occupancy.

1019 (c) As-built surveys.

- (1) Upon completion of the development activity as authorized by the development permit and prior to final development inspection of public and private improvements, the owner shall submit to the Development Services Department for review and approval a complete set of record drawings showing "as-built" conditions prepared by a registered land surveyor. These drawings shall show the location, vertical and horizontal alignment, and finished elevations of:
 - a. Drainage system pipes and channels.
 - b. Storm water detention facilities.
 - c. Sanitary sewer system (if any).
 - d. Water system.
 - e. Streets, including street centerlines showing angles of deflection and standard curve data of intersection, radii, length of tangents and arcs, and degree of curvature with basis of curve data.
- (2) The as-built surveys shall be certified and sealed by the registered land surveyor, subject to the tolerances of accuracy indicated in the survey certification.

1019 (d) Final development inspection.

- (1) Following submission and review of the as-built surveys, the Development Services Department shall conduct a final development inspection of the project.

- (2) The owner shall be responsible for correcting any deficiencies identified in the final development inspection prior to approval of a final subdivision plat.

1019 (e) Bonds.

Prior to approval of a final subdivision plat or issuance of a certificate of occupancy, a maintenance bond and/or performance bond in a form acceptable to the Development Services Department is required for all public improvements shown on the as-built surveys. Any required bond shall be with a company licensed to do business in the State of Georgia and included on the United States Department of Treasury's list of acceptable sureties. For details see the Procedures and Permits Article of this Development Code regarding acceptance of public improvements.

Sec. 1020 - Site clearing and grading.

1020 (a) Development permit required.

- (1) Clearing and grading shall not proceed until issuance of an approved development permit. No development permit authorizing clearing or grading shall be issued prior to review and approval by the County of landscaping, buffers and tree conservation plans as applicable to the property. See the Procedures and Permits Article of this Development Code for details.
- (2) Grading shall be done in accordance with the lines and grades drawn on the approved grading plan. Clearing, grubbing and grading of a site for development of a residential subdivision shall be limited to those areas necessary to construct the streets and utilities, the stormwater detention facilities, and necessary erosion and sedimentation control devices, along with related easements, rights-of-way and slopes. Clearance beyond these limits to balance cut and fill for the streets, drainage or utilities may be approved administratively by the Development Services Director based on a grading plan and cut/fill calculations prepared by a Georgia registered professional engineer qualified in site work, provided that the additional clearance is kept to the minimum deemed necessary by the Development Services Director.

1020 (b) Erosion and sedimentation control measures.

Required erosion and sedimentation control measures must be installed in accordance with the approved soil erosion and sedimentation control plan prior to any major development activity and as development progresses.

1020 (c) Stormwater drainage facilities.

Required stormwater drainage facilities are to be installed in accordance with the approved stormwater management plan as development progresses.

1020 (d) Clearing and grubbing.

The entire area within the typical grading section shall be cleared and grubbed of all trees, bushes, stumps and debris. Such debris shall be disposed of in a lawful manner.

1020 (e) Earthen embankments.

Earthen embankments shall be placed in uniform layers not to exceed a compacted thickness of 6 inches per layer and shall be compacted to a density of 95 percent of the maximum laboratory dry weight per

cubic foot as determined by AASHTO Method T-99 in all areas where structures, parking lots and drives, streets, and utilities are to be placed; all roadway embankments must be 100% compacted within the top 1 foot. If necessary in order to obtain this compaction, the contractor shall add moisture to the material as it is placed. All other embankments are to be compacted to at least 90 percent. Floodproofing shall be accomplished prior to placement of embankments to detect soft spots.

1020 (f) Slopes.

- (1) The maximum slope for all cut or fill slopes shall be as shown on Table 10.5.
- (2) The depth of cut referenced in the table shall be construed to be the maximum cut or fill occurring in any one section of cut or fill. The slope on cut or fill shall be uniform throughout for each section of cut or fill. When a cut is made in rock that requires blasting, slope may be changed to vertical slope upon the written approval of the Department of Transportation Director.

Table 10.5: Maximum Cut or Fill Slopes

Depth of Cut or Fill	Cut Slopes*	Fill Slopes*
2 feet or less	2 to 1	2 to 1
2 feet to 5 feet	2 to 1	3 to 1
Over 5 feet	2 to 1	2 to 1**

*Maximum distance of run to rise

**Guardrails required (see Standard Details).

Sec. 1021 - Excavating and trenching.

1021 (a) Definitions related to excavating and trenching.

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

Excavation: (1) The mechanical removal of earth material. (2) Any manmade cavity or depression in the earth's surface, including its sides, wall, or faces, formed by earth removal and producing unsupported earth conditions by reasons of the excavation. If installed forms or similar structures reduce the depth-to-width relationship, an excavation may become a trench.

Excavation and trenching certificate: The certificate issued upon satisfactory completion of a mandatory training/educational program regarding excavation and trenching safety practices, such program to be provided by or approved by the Douglas County Fire Department.

Excavation and trenching certificate holder: The holder of the "excavation and trenching certificate" identified above.

OSHA: The U.S. Department of Labor, Occupational Safety and Health Administration, or successor agency.

Trench: A narrow excavation made below the surface of the ground. In general, the depth is greater than the width, but the width of a trench is not greater than 15 feet.

1021 (b) Unauthorized excavating and trenching prohibited.

No individual, partnership, corporation, or other entity of any kind whatsoever shall engage in any excavation or trenching except in compliance with the provisions of this Section and in compliance with any applicable laws of the State of Georgia or of the United States or the Occupational Safety and Health Administration (OSHA), or any other state or federal governmental entity or department rules and regulations applicable to excavating and trenching.

1021 (c) Adoption of OSHA safety and health regulations.

All safety and health regulations adopted by OSHA with regard to excavating and trenching operations, particularly part 1926, Subpart P—Excavations, Trenching, and Shoring Section 1926.650, 1926.651, 1926.652, 1926.653 of the Code of Federal Regulations, as the same now exist or may be hereafter amended, are adopted as a part of this Development Code as if quoted verbatim herein.

1021 (d) Excavation and trenching certificate required.

Douglas County will honor excavation and trenching certificates issued by other agencies if such agencies can satisfactorily show proof that their training/educational program meets or exceeds the Douglas County program regarding excavation and trenching safety practices.

1021 (e) Permit required.

- (1) No excavating or trenching shall be performed until a permit for same has been obtained from the Development Services Department. All applicants shall be required to acknowledge receipt and understanding of safety requirements before a permit will be issued. All such permits shall be conspicuously posted upon the job site.
- (2) No permit shall be issued unless an authorized agent of the applicant holds an excavation and trenching certificate.

1021 (f) Enforcement of excavating and trenching requirements.

- (1) The director of emergency management or his or her designated representative shall have the authority to cause any trenching or excavation work in progress to be halted upon a finding that these certificate requirements are not being met on the particular job site. The said director may issue a verbal warning or a written citation in his discretion or he may recommend to the board of commissioners a revocation of the permits of responsible persons.

- (2) No excavation and trenching certificate shall be suspended or revoked, except for due cause, and after a hearing before the board of commissioners of Douglas County upon written notice to the holder of such certificate of the time, place and purpose of such a hearing and a statement of the charge upon which such hearing shall be held. Three days notice shall be deemed reasonable, but shorter or longer periods of notice shall be authorized as the board of commissioners may deem appropriate. Due cause for revocation shall consist of the violating of any laws or ordinances regulating excavating or trenching. At any such hearing, the excavation and trenching certificate holder shall be entitled to be represented by an attorney and to cross examine any witnesses who may appear and to present evidence in his own behalf.
- (3) No excavating or trenching permit shall be suspended or revoked except for due cause and after hearing before the board of commissioners after notice to the permit holder of the date, time and place of hearing, along with a statement of the charges upon which the hearing is to be had. The violation of any laws or ordinances regulating excavating or trenching as set forth hereinabove shall constitute due cause for suspending or revoking such permit. Three days notice shall be deemed reasonable, but shorter or longer periods of notice shall be authorized as the board of commissioners may deem appropriate. At such hearing, the permit holder shall be entitled to be represented by an attorney, to cross-examine all witnesses who may appear against him, and to present evidence in his own behalf.

1021 (g) Inspection by Douglas County.

The director of the department of emergency management or his or her designated representative is authorized to periodically inspect trench/excavation sites during all reasonable hours, or outside reasonable hours in the event of any emergency threatening life or property. Such inspectors shall, among other things, verify the presence of the required permits, the existence of required excavation and trenching certificates and compliance with OSHA safety standards hereinabove adopted. Should access to any site be denied by the owner or other person having charge or control of the site, in the absence of any emergency threatening life or property, the director of the department of emergency management or his or her designated representative is authorized to obtain an inspection warrant pursuant to Article 14, Section 1410(b) of this Code.

1021 (h) Violations.

In addition to the provisions of the Administration and Enforcement Article of this Development Code, the following shall apply to violations under this Section:

- (1) Violations of this Section may result in revocation or suspension of any excavation and trenching certificate issued hereunder as set out above.
- (2) Violations of this Section may result in revocation or suspension of excavating/trenching permits issued hereunder as set above.
- (3) When oral notice is not deemed sufficient a written notice of violation may be issued for any deficiency. Upon receipt of such notice, the deficiency shall be corrected immediately.
- (4) Excavation and trenching work upon any job site shall be required to cease immediately upon discovery that there is trench activity by any person not an excavation and trenching certificate holder, when there is a refusal or failure to correct deficiencies immediately and/or when such work is being done without a permit.

- (5) If deficiencies identified in a notice or violation are not timely corrected, the building permit, land disturbance permit or any other permit issued by Douglas County may be suspended or revoked for due cause upon the conditions herein identified for revocation of authorization.
- (6) Flagrant and/or repeated violations shall be reported by Douglas County to OSHA for action by that agency.

Sec. 1022 - Installation of stormwater drainage facilities.

1022 (a) Timing of installation.

Construction of the stormwater system shall be initiated as part of the grading of the site. Storm water detention facilities shall be constructed prior to the installation of any other site improvements, and may be utilized under proper design as sedimentation basins during development. Installation of all other storm drainage pipes, culverts, headwalls, and ditches, shall be coordinated with the construction of streets and other site improvements, as appropriate, in accordance with a Stormwater Management Plan approved by the WSA.

1022 (b) Maintenance responsibilities.

- (1) The developer shall be responsible for removing temporary structures or facilities at the completion of the construction.
- (2) It shall be the responsibility of the developer to maintain all facilities required by the Stormwater Management Plan during construction and for a maintenance period following approval of the final subdivision plat or issuance of a certificate of occupancy, as applicable. The maintenance period shall coincide with the maintenance period required under Sec. 1019 (e) and detailed under the Procedures and Permits Article of this Development Code regarding acceptance of public improvements.
- (3) The owners of the property shall be responsible for maintaining the permanent facilities identified by the Stormwater Management Plan to remain after construction is complete, following the developer's maintenance period.
- (4) Should an owner or developer, whichever is the responsible party, fail to maintain the stormwater management facilities in a state of service intended by the Stormwater Management Plan, then the WSA shall notify the responsible party in writing of the deficiencies and specific minimum maintenance requirements to remedy such deficiencies.
- (5) If the responsible party fails to perform the required maintenance work within a reasonable period of time (30 days maximum) then the owner shall be in violation of the provisions of this Code and the rules and regulations of the WSA.

Sec. 1023 - Installation of streets and utilities.

All streets shall be installed and inspected in accordance with this Section, whether public or private.

1023 (a) Grading.

- (1) All streets shall be graded to their full width by the developer so that pavement extensions or sidewalks, where required or if installed in the future, can be constructed on the same level plane.

- (2) Preparation of roadway: Before grading is started the entire area to be paved shall be first cleared of all stumps, roots, brush and other objectionable materials. In all areas to be graded or filled, the developer shall stockpile the topsoil later to be spread in all disturbed areas not paved.
- (3) Grading shall be done in accordance with the Site Clearing and Grading Section of this Article.

1023 (b) Installation of utilities; general.

- (1) All utility manholes and valve boxes shall be brought to the finished grade within the roadway section.
- (2) All utility locations shall correspond to the typical cross-sectional layout contained in the Douglas County Construction Standards and Specifications.
- (3) No private improvements, such as private lawn sprinkler systems, yard lighting, and the like, shall be installed within a public right-of-way except by authorization of the Department of Transportation Director. Such authorization, if issued, shall require the owner to assume all repair costs of the owner's facilities should they become damaged.

1023 (c) Installation of public water and sewerage systems.

The standards, procedures and other requirements of the Douglasville-Douglas County Water and Sewer Authority shall be followed for the installation of public water supply and distribution facilities, and for the installation of public sanitary sewer facilities

1023 (d) Street installation.

- (1) After the earth work has been completed, all storm drainage and other underground utilities have been installed under the roadbed, and the backfill in all such ditches thoroughly compacted, the subgrade shall be brought to the lines, grades and cross section shown on the plans. All other utilities installed under the roadbed shall be bored.
- (2) If any sections of the subgrade are composed of unsuitable or unstable material, such material shall be removed to the depth directed by the Development Services Department and the Department of Transportation and replaced with suitable, thoroughly compacted material.
- (3) Preparation of subgrade.
 - a. Prior to placement of the street base, the subgrade shall be compacted to 100% density.
 - b. When the street is to be used for construction traffic before the paving work is completed, a layer of No. 3 stone can be laid as a traffic surface if the developer so desires.
 - c. This material shall not be used as part of the base material.
 - d. It may be worked into the subgrade; or it shall be removed before the base course is set up for paving.
 - e. Provision shall be made to drain low points in road construction when the final paving surface is delayed.
 1. Provide break in the berm section when the curbing has not been constructed.
 2. Use 6-inch pipe sections to provide drainage under curb to side slopes.

- (4) Abutting property shall be suitably sloped to the right-of-way line.
- (5) Street base, curbing and paving.

Street base, curbing and paving shall be installed by the developer in accordance with the requirements and standards of this Development Code.

1023 (e) Testing requirements; streets.

- (1) It is the responsibility of the developer to insure that all required tests are made and reported to the Development Services Department. The cost of all testing and quality control shall be performed at the expense of the developer by qualified testing laboratories authorized by the Director of Development Services.
- (2) The tests to be performed during and after completion of street construction are shown on Table 10.6. Such tests shall be performed on all streets whether intended to be dedicated as public streets or approved by the County as private streets.

Table 10.6: Testing Requirements

Type of Test to be Performed	Minimum Number of Tests	Testing Standards
Sub-grade Compaction	Each 1,500 linear feet of roadway (at least 1 per street)	100% Max Density
Base Compaction	Each 1,500 linear feet of roadway (at least 1 per street)	100% Max Density
Asphalt Content and Gradation—Intermediate	For each lane, 1 test per 3,400 linear feet, minimum 1 per road	GDT 83 or GDT 125 and GDT 38
Asphalt Content and Gradation—Surface	For each lane, 1 test per 5,000 linear feet, minimum 1 per road	GDT 83 or GDT 125 and GDT 38
Mix Temperature*	As deemed necessary	
Laydown Rate*	1 per 1,000 linear feet, minimum 1 per road	
Pavement Density	For each lane, 1 per 1,000 linear feet, minimum 2 per road	GDT 59

Lift Thickness and Base Thickness with Coring and Augering**	For each lane, 1 per 1,000 linear feet, minimum 2 per road	

*To be tested by the on-site construction inspector during laydown.

**To be tested at completion of paving of all roads.

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- (3) Prior to paving, the contractor shall submit the following to the Development Services Department:
- Paving plan as described in the Standard Design Specifications.
 - Request for approval of asphaltic concrete job mix formula as described in the Standard Design Specifications, and job mix designs for each job mix formula approval requested.
- (4) Evaluation of pavements during maintenance period.

Pavements shall be inspected and evaluated at the completion of construction, during the maintenance period required under 1019 (e), and prior to the end of the maintenance period. The entire length of the pavement shall be visually inspected for such deficiencies as: rutting, cracking, raveling, segregation, deformations, potholes, bleeding and slippage cracks. Any deficiencies shall be repaired by the contractor or developer to the satisfaction of the Director of Development Services at no cost to the County within 30 days of notification of the deficiencies identified.

1023 (f) Protection of shoulders.

- Immediately after grading and filling and re-spreading of topsoil, all areas of disturbed soil shall be fertilized and seeded (or in steep areas sodded or otherwise appropriately treated) with suitable vegetative cover to retard erosion.
- When all construction is completed, all slopes and shoulders shall be cleared of all rubbish and shall have a stand of grass to prevent undue erosion, either by sprigging or seeding.

1023 (g) Traffic control devices and street lights.

- Street signs, traffic control signs, and devices such as striping and signalization, shall be by the developer at the developer's expense, with appropriate approvals from the Department of Transportation . Traffic control devices may only be installed by the developer after receiving written approval from the Department of Transportation Director.
- The installation of all street lighting fixtures within the right-of-way, except within residential subdivisions, must be approved by the Department of Transportation Director prior to such installation.

1023 (h) Foreign material on streets.

- (1) The developer, builders, and/or homeowners shall be responsible for keeping dirt, mud, building materials, concrete, etc., off of the pavement and curbing of existing public roads during construction of buildings in all developments covered by these regulations.
- (2) Before the streets are accepted by Douglas County, all litter and trash shall be removed from the dedicated rights-of-way and surrounding areas.

1023 (i) Bridge piling.

Bridge piling shall be driven to State Highway load standards for loading. Certification of pile load shall be by registered Professional Engineer.

1023 (j) Burial of construction debris.

No debris of any kind shall be buried at the site of any construction or development.

Sec. 1024 - Building construction.

1024 (a) Building permit required.

- (1) Building permits for all structures or interior finishes are issued after meeting the applicable requirements of the fire prevention and life safety code and the various health and building codes. A permit is also required for the movement of any house, structure or building.
- (2) For any structure served by an on-site sewage disposal system, a permit issued by the County Health Department shall be required prior to issuance of a Building permit. Said permit may first require approval by the County Health Department of a plan showing the location of the sewage disposal system and other on-site improvements, in accordance with their regulations.
- (3) Building permits shall only be issued on lots of record, as defined in this Development Code.

1024 (b) Building inspection.

- (1) Scheduling a building inspection.
Inspections shall be scheduled with the Building Inspector before the inspection is needed. Requests for inspection should include the street address, lot number, building permit number, and type of inspection.
- (2) Required inspections:
 - a. Foundation. Verify minimum required building setbacks, footing, trenches dug and reinforcing steel in place.
 - b. Plumbing Connections. Water supply line and sewer lateral in slab foundation.
 - c. Framing. Completion of all rough-ins and after insulation is installed.
 - d. Interior walls may not be covered until the following inspections are completed:
 1. Mechanical. Rough-ins complete with pressure test on gas line.
 2. Electrical. Rough-ins with neutral, ground, and service cable wired.
 3. Plumbing. Rough-ins complete and all fixtures installed.

- e. Final Inspection. Building is complete and ready to occupy.

1024 (c) Certificate of occupancy required.

A Certificate of Occupancy must be issued prior to the occupancy or use of any new or newly renovated building or structure, in accordance with the Procedures and Permits Article of this Development Code.

Sec. 1025 - Dams.

The provisions of O.C.G.A. 12-5-370 "Georgia Safe Dams Act of 1978", all applicable federal and state laws, and administrative rules and regulations shall apply to all dams located in Douglas County. Any person who desires to construct a dam shall be required to obtain a permit from the Georgia Environmental Protection Division and the owner(s) of all dams shall operate and maintain existing dams as per regulations set forth in the act. In the event proposed development(s) could be effected by existing dams located on-site or upstream as determined by the Development Services Director or his/her designee, prior to issuance of a Land Disturbance Permit the developer shall provide a detailed engineering analysis, including but not limited to a dam breach analysis, hydraulic and hydrologic evaluations, which shall be performed by a professional engineer licensed by the State of Georgia and any geological investigations are required to be performed by a professional geologist registered to practice in the State of Georgia demonstrating the dam is sufficient to protect against probable loss of human life and/or property damage downstream. Such analysis and evaluation shall find the dam to be in a safe and stable condition, with no foreseeable deterioration in condition or safety.

1025 (a) Permanent pool impoundments.

- (1) General criteria.

Douglas County Dam Regulations shall apply to all new, rebuilt, or modified stormwater impoundments, including appurtenant works, with the exception of:

- (a) Any Category I Dam requiring permitting under the control of the Georgia Safe Dams Program;
- (b) Any dam owned and operated by any department or agency of the United States Government;
- (c) Any newly constructed dam financially assisted by the United States Natural Resource Conservation Service or any other department or agency of the United States Government when such department or agency designed or approved plans and supervised construction and maintains a regular program of inspection of the dam; and
- (d) Any dam licensed by the Federal Energy Regulatory Commission or for which a license application is pending with the Federal Energy Regulatory Commission.
- (e) Any dam currently constructed and operating is hereby grandfathered in its present state with the owner assuming all rights, responsibilities, and liabilities thereof. Any existing dam that is modified, other than for maintenance activities, becomes subject to these requirements.

All new dams of 25 vertical feet in height (or greater), impoundments containing a maximum storage volume of at least 100 acre-feet, or dams which have been ruled Category II by the Safe Dams Program shall be designed and constructed according to Category I Spillway

Standards, as promulgated by the Safe Dams Program under the direction of a Georgia Licensed Civil Engineer and a Georgia Licensed Geotechnical Engineer, both experienced in the design and construction of dams. All dam heights will be measured from the streambed at the downstream toe to the top of dam.

Prior to construction of any dam over 15 vertical feet or any dam impounding more than 50 acre-feet, the contractor shall provide to Douglas County sufficient documentation of his/her qualifications to construct dams.

A pre-design meeting shall be held with representatives of the Development Services Department, to review any proposed dam or proposed dam changes for any dam over 15 vertical feet or impounding more than 50 acre-feet.

Residential or commercial structures may not be constructed or re-constructed on any dam and may not be constructed within the limits of the flood failure zone of any dam. Douglas County must be satisfied that a dam failure will not result in a probable loss of life downstream.

Depending on the level of downstream risk and size of impoundment, Douglas County may require a dam breach analysis to be submitted for any proposed or existing dam impacting a proposed development, utilizing the National Weather Service's DAMBREAK Program or other methodology approved by the Georgia Safe Dams Program. A DAMBRK analysis will be required for all Category I and II dams. When a dam breach analysis is required by Douglas County, as a minimum a sunny day dam breach analysis shall be performed under full pool conditions.

Guidelines are available from the State of Georgia Safe Dams Program (EPD) to assist the design/construction professional. Dam design documents shall include, but not be limited to:

- (1) Technical specifications;
- (2) Hydrology/hydraulic report;
- (3) Geotechnical report (with borrow study applicable);
- (4) Drainage basin map with land use and land improvement parameters;
- (5) Existing topography of site:

Dam = Plan view

= Sections at all critical points

= Details, complete;

- (6) Names and professional seals of design civil engineer and geotechnical engineer with 24-hour contact;
- (7) Designated contractor, if available.

Because of the variables associated with selecting spillway(s), outlet device(s) or appurtenant structure(s) to suit a given site condition, the design consultant is responsible for the selection, subject to the review and approval of the Development Services Department. The

Development Services Department will include in its consideration the ease of maintenance, longevity of the system, blockage potential, and practicality of operations.

No orifice shall be less than 3 inches in diameter unless it is installed to meet a State or local requirement.

All risers (standpipes) shall be equipped with a debris deflector (trash rack) and an anti-vortex device. To facilitate outlet operation, curved or inclined trash racks designed to allow debris to rise with the water level are preferred. In all cases, trash racks shall be either hinged or removable to facilitate maintenance operations. Corrugated metal pipe is not permitted for standpipes.

Spillways: Every dam shall be provided with a principal spillway, fully capable of passing at least the 50-year flood, with excess spillway capacity provided by the emergency spillway(s) capable of handling excess flows up to the design storm. The principal spillway can be sized for floods of less magnitude than the 50-year flood only if the emergency spillway is appropriately armored against scour with concrete or other suitable lining as protection against more frequent usage.

Principal spillway: All spillways shall be analyzed (hydraulically rated) for both inlet and outlet control conditions using appropriate tailwater ratings. If a control-box or weir-box is affixed, then the total system (inlet control box and outlet conduit) shall be hydraulically rated to determine the stage-discharge relationship.

Emergency spillway(s): For every type of water impounding facility, a planned safe flow path must be provided for conveyance of flows of water in an emergency. In many instances, this function can be provided through installation of an emergency spillway. Emergency spillways may be excavated open channels, either vegetated or paved with reinforced concrete, weir sections of concrete walls, or appropriately designed conduit.

Any portion of an open channel spillway excavated into a dam embankment or other fill section must be paved with reinforced concrete equipped with appropriate seepage controls, underdrainage, and cut-off walls.

Any portion of any spillway excavated into undisturbed residual soil shall be vegetated in accordance with the practices described in the "Manual for Erosion and Sediment Control in Georgia" or protected against scour and erosion by other suitable measures if vegetation does not provide adequate stabilization. If the spillway is activated by storms smaller than the 50-year frequency, then vegetation alone will not be considered sufficient protection against scour according to these standards.

A 12-foot combined drainage and permanent access easement shall be established around the pond at the 100-year pool level or at the elevation of top of dam, whichever is greater to provide access and permanently prevent usage or modification of this flood storage area. A 12-foot combined easement shall also be provided along the toe of the dam. A 20-foot access easement from the public right of way shall be provided.

Emergency draining of the lake: Upon obtaining evidence which indicates that a potentially hazardous condition may exist, such as:

- (1) Excessive leakage transporting soil from the dam interior (i.e., piping);
- (2) Slope failure, excessive scouring, or other apparent soil instability;
- (3) Longitudinal cracks, bulging, or shifts in alignment;
- (4) Excessive sloughing or seepage; or
- (5) Failure of the spillways and/or outlet devices to function properly (due to clogage, damage, or other deficiency).

The County Administrator has the authority to order the immediate and complete draining of the lake in whatever manner deemed necessary at the time and to require the owner to keep the pool down until remedial work, as is deemed most appropriate to create a safe dam condition, is completed and approved by the Development Services Department.

All lakes shall have a permanent lake drain.

No public roadways shall be constructed over any permanent water impoundment structure. Private roadways and driveways over any permanent impoundment structure (including full indemnification to the County) shall be reviewed on a case-by-case basis by the County Administrator (access for public safety vehicles must be addressed in said indemnification).

No utilities are permitted to pass through any dam, either longitudinally or transversely, unless approved by the Development Services Department.

(2) Specific criteria.

(Dams with vertical heights less than or equal to 6 feet.)

Earthen dams:

Any earthfill dam equal to or less than 6 feet in height is an exempt structure according to Georgia Safe Dams Act. The following minimum design criteria shall apply:

- (a) Design shall be by a professional engineer registered and licensed to practice engineering in the State of Georgia;
- (b) Plans shall be submitted to the Development Services Department for review and comment;
- (c) Construction shall be performed by a qualified contractor who has sufficient skills and experience to perform this work;
- (d) Design storm shall be at least SCS 24-hour 100-year event or equivalent approved by the Stormwater Management Division;
- (e) A minimum freeboard of two feet is required from the design flood pool to the top of the dam;
- (f) All soil shall be CL or ML material, compacted to 95% standard proctor; and
- (g) Side slopes shall be no steeper than 3:1 unless approved by the Development Services Department. Under no circumstance shall the slope exceed 2:1.

Reinforced concrete or masonry dam:

Design and construction supervision must be performed by civil engineer licensed to practice in the State of Georgia. Construction verification checklist to be submitted to the Development Services Department;

Design shall address and account for overturning, sliding uplift, and seepage with adequate safety factor (2.0 for over-turning, 1.5 for sliding) and adequate freeboard (0.5 feet above 100-year pool). Steel design shall conform to American Concrete Institute Code. Uplift loads can be reduced by 70%, if an under-draining system is provided. Construction verification checklist must be provided by design engineer or approved alternate. Design storm shall be at least SCS 24-hour 100-year event or equivalent approved the Development Services Department.

(Dams with vertical heights between 6 and 25 feet with less than 100 acre-feet of storage)

Earthen dam:

Design, construction supervision, and certification of completion according to plans and specifications to be by civil engineer and a geotechnical engineer both licensed to practice in the State of Georgia.

Design shall conform to the requirements of a Category I Spillway Standards Dam as classified by the Georgia Safe Dams Office and as published in "Georgia Safe Dams Act and Rules for Dam Safety," Act No. 796, as amended to date.

Design storm shall be at least 25% of the Probable Maximum Precipitation (6-hour) storm event.

Principal spillway shall be adequate to handle at least the 50-year flood. Emergency spillway(s) as a minimum shall be adequate to handle flows in excess of the 50-year flood, up to the $\frac{1}{4}$ PMP.

Front and back slopes shall not be steeper than 3:1 unless design includes a slope stability analysis, which confirms and documents that a steeper slope will be stable. In no condition, however, will a slope steeper than 2:1 be permitted.

All organics and topsoil shall be removed from the entire footprint of the dam and the foundation certified by a geotechnical engineer (PE).

Earthen fill shall be CL or ML material approved for use by geotechnical engineer (PE), placed, and compacted to not less than 95% standard proctor under said engineer's direction.

Compaction records accompanied by a geotechnical engineer's certification that soil compaction meets this specification should be forwarded to the Development Services Department.

The low-level outlet (lake drain) shall be concrete pressure pipe or ductile iron pressure pipe, cradled in concrete. Bedding shall be in concrete poured the full width of the exposed trench and as a minimum, up to the spring line of the pipe. Pipe and joints shall be rated for internal pressures exceeding that of the design storm and shall meet or exceed ASTM 361 or AWWA C-301. Corrugated metal pipe is not allowed.

A lake drain may also be comprised of a valve-operated siphon system designed by a registered civil engineer licensed in the State of Georgia. Piping for a siphon system shall be schedule 80 PVC in conformance with current state standards or ductile iron with mechanical joints or PV joints with adequate strength and anchoring to sustain the water forces incumbent with operation.

Freeboard of a dam, above the design storm maximum pool, shall be 3.0 feet in lieu of fetch calculations of wave height justifying a lesser freeboard. Douglas County reserves the right to require additional freeboard above the nominal 3-feet requirement, if supported by fetch calculations.

Crest width shall be not less than 12.0 feet.

Reinforced concrete or masonry dam:

Design, construction supervision, and certification of completion according to plans and specifications to be by design civil engineer and a geotechnical engineer both licensed to practice in the State of Georgia.

Design shall address and account for overturning, uplift, and seepage with adequate safety factor and adequate freeboard.

All slab on grade concrete, including concrete footings, shall be designed and constructed to control seepage and piping of foundation soil along the underside of the slab in incorporating cutoff walls or other appropriate measures.

Design storm shall be as specified by the Development Services Department. Generally, at least 25% of the Probable Maximum Precipitation 6-hour storm event ($\frac{1}{4}$ PMP) is required.

Principal spillway shall be adequate to handle at least the 50-year flood unless the emergency spillway is appropriately armored against scouring.

Emergency spillway shall be adequate to handle flows in excess of the 50-year flood, up to the 6-hour PMP.

Freeboard of a dam, above the design storm maximum pool, shall be 3.0 feet in lieu of fetch calculations of wave height justifying a lesser freeboard. Additional freeboard above the nominal 3 feet required, if supported by fetch calculations.

Design shall conform to the requirements of a Category I Spillway Standards Dam as classified by the Georgia Safe Dams Office and as published in "Georgia Safe Dams Act and Rules for Dam Safety," Act No. 796, as amended to date.

All organics and topsoil shall be removed from the entire footprint of the dam and the foundation certified by a geotechnical engineer (PE).

Earthen fill (if any) shall be subject to the criteria specified above for earthen embankments.

Required 28-day compressive strength for concrete is 3000 psi.

1025 (b) Temporary pool impoundments.

Normally dry stormwater storage basins - impound stormwater temporarily, i.e., dry detention ponds.

(1) General criteria.

Design to be by registered civil engineer licensed to practice in the State of Georgia.

Detention pond dams equal to or greater than 15 feet in height or greater than 50 acre-feet of storage must conform to the corresponding design criteria for permanent impoundments, as referenced above.

(The following criteria apply to dry detention pond dams less than 15 feet high and less than 50 acre-feet).

- (a) Design storm shall be at least the 100-year storm.
- (b) Multi-frequency outflow control shall be provided for the 2-year, 5-year, 10-year, 25-year, 50-year, and 100-year frequency storms.
- (c) Principal spillway shall be adequate to handle at least the 25-year flood.
- (d) Emergency spillway(s) shall be provided to handle flows in excess of the 25-year flood, up to the 100-year flood.
- (e) No orifice shall be less than 3 inches in diameter unless it is installed to meet a State or local requirement.
- (f) Install fencing around all ponds deeper than 6 feet as measured vertically from the crest of the dam down to the invert of the pond, or around all ponds deeper than 4 vertical feet in cases where walls are utilized to create the detention pond. Gates are to be at least 12 feet wide to permit access for maintenance equipment. Douglas County is not responsible for the replacing of any non-permitted structures or plantings destroyed, removed, or otherwise damaged during maintenance operations. Fencing shall not be installed across spillways or drainage ways.
- (g) A 12-foot combined drainage and permanent access easement shall be established around the pond at the 100-year pool level or at the elevation of top of dam, whichever is greater to provide access and permanently prevent usage or modification of this flood storage area. A 12-foot combined easement shall also be provided along the toe of the dam. A 20-foot access easement from the public right of way shall be provided.

(2) Specific criteria.

Earthen Dam:

Front slope shall not be steeper than 2.5:1 unless design includes a slope stability analysis, which confirms and documents that a steeper slope will be stable. In no condition, however, can any slope be steeper than 2:1.

All organics and topsoil shall be removed from the entire footprint of the dam and the foundation inspected and approved by the geotechnical licensed, qualified engineer prior to fill placement.

Earthen fill shall be CL or ML material approved for use by a geotechnical engineer (PE) and placed and compacted to not less than 95% Standard Proctor under said engineer's direction.

Freeboard of a dam, above the 100-year design storm maximum pool, shall be 2.0 feet in lieu of fetch calculations of wave height justifying a lesser freeboard. Douglas County reserves the right to require additional freeboard above the nominal two feet requirement, if supported by fetch calculations.

Crest width shall be not less than 12.0 feet, unless approved by the Development Services Department.

Proprietary design products may be considered on a case-by-case basis.

Reinforced concrete or masonry dams:

Design shall address and account for overturning, uplift, and seepage with adequate safety factor (2.0 for overturning, 1.5 for sliding) and adequate freeboard (0.5 feet above 100-year). Steel design shall conform to American Concrete Institute Code. Uplift loads can be reduced by 70%, if an underdraining system is provided. Construction verification checklist must be provided by design engineer or approved alternate.

All slab on grade concrete, including concrete footings, shall be designed and constructed to incorporate appropriate cutoff walls.

In no condition can any fill slope (if any) be steeper than 2:1.

All organics and topsoil shall be removed from the entire footprint of the dam and the foundation inspected and approved by the Development Services Department prior to gravity dam concrete or masonry placement.

Earthen fill (if required) shall be approved for use by a geotechnical engineer (PE) and placed and compacted to not less than 95% Standard Proctor under said engineer's direction.

Freeboard of a dam, above the 100-year design storm maximum pool, shall be 2.0 feet along any earthfill sections of the dam, in lieu of fetch calculations of wave height justifying a lesser freeboard. Douglas County reserves the right to require additional freeboard above the nominal two feet requirement, if supported by fetch calculations. Freeboard for the concrete section of the dam shall be a minimum of 0.5 feet.

Required 28-day compressive strength for concrete is 3000 psi.

Sec. 1026 - Outdoor lighting.

The regulations of this division are intended to:

- (1) Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment and commerce;
- (2) Curtail and reverse the degradation of the nighttime visual environment and the night sky;
- (3) Preserve the dark night sky for astronomy;

- (4) Minimize glare, obtrusive light and artificial sky glow by limiting outdoor lighting that is misdirected, excessive or unnecessary;
- (5) Conserve energy and resources to the greatest extent possible; and
- (6) Help protect the natural environment from the damaging effects of night lighting from human-made sources.

1026 (a) Conformance with applicable regulations.

All outdoor lighting devices must comply with the provisions of this division, the building code and the electrical code, required permits and inspections, as applicable.

1026 (b) Prohibited lighting.

The following are expressly prohibited:

- (1) Aerial lasers;
- (2) Searchlight style lights;
- (3) Light sources that exceed 200,000 lumens or intensity in any direction of 2,000,000 candelas or more; and
- (4) Exposed neon lighting.

1026 (c) Exempt lighting.

The following luminaries and lighting systems are expressly exempt from the regulations of this division:

- (1) Underwater lighting used for the illumination of swimming pools and fountains;
- (2) Temporary holiday lighting;
- (3) Lighting required and regulated by the Federal Aviation Administration, or other authorized federal, state or local government agency;
- (4) Emergency lighting used by police, fire, or medical personnel, or at their direction;
- (5) Security lighting controlled and activated by a motion sensor device for a duration of 10 minutes or less.

1026 (d) Regulations.

- (a) Applicability.
 - (1) The regulations of this section apply:
 - a. To all new land uses, new developments and new buildings that require a permit;
 - b. Whenever existing land uses, developments or buildings are expanded by 50 percent or more in terms of additional dwelling units, parking spaces or gross floor area, in which case the entire property must be brought into conformance with these regulations; and

- c. Whenever existing outdoor lighting constituting 75 percent or more of the permitted lumens for the parcel is modified or replaced, no matter the actual amount of lighting already on the site.
- (2) When existing developments or buildings are expanded by less than 50 percent in terms of additional dwelling units, parking spaces or gross floor area and the expansion requires a permit, the applicant must submit a complete inventory and site plan detailing all existing and any proposed new outdoor lighting. Any new lighting on the site must comply with the shielding and lamp type regulations of this division.
- (b) General regulations.
 - (1) Outdoor lighting fixtures must be full cutoff and placed so as to allow no light above the horizontal as measured at the luminaire, except as herein noted in this section (as in the case of period fixtures, cutoff fixtures may be used) and except as allowed in Article 7 (Sign Regulations).
 - (2) Outdoor lighting fixtures must be located, aimed or shielded to minimize glare and stray light trespassing across lot lines and into the public right-of-way.
 - (3) Flood or spot lamps must be positioned no higher than 45 degrees above straight down (half-way between the vertical and the horizontal) when the source is visible from any off-site residential property or public roadway.

Table 10.7: Maximum Footcandles at Property Lines Including Rights-of-Way

At Property Lines Including Rights-of-Way	Maximum Footcandles
At property line abutting a residential or an agricultural use	0.5
At property line abutting an office or institutional use	1.0
At property line abutting a commercial or industrial use	1.5

Table 10.8: Minimum and Maximum Footcandles in Off-Street Parking Lots

Off-Street Parking Lots	Minimum Footcandles	Average Footcandles	Maximum Footcandles
Residential areas	0.5	2.5	4.0
Office-professional areas	1.0	3.5	6.0

Commercial areas	2.0	7.0	12.0
Industrial areas	1.0	5.0	8.0

- (4) All light fixtures that are required to be shielded shall be installed and maintained in such a manner that the shielding is effective as described herein for fully shielded fixtures.
 - (5) Lighting on sites consisting of multiple uses must conform to the standards of the respective uses.
 - (6) Illumination levels are measured from any height and orientation of the measuring device at any location along the property line except the lighting of parking lots must be measured at grade with the meter sensor held horizontally at the surface.
- (c) Specific uses and activities.

This subsection establishes supplemental lighting regulations for specific types of uses and activities. All lighting not directly associated with the special use areas designated below must comply with all other applicable regulations of this division.

- (1) Service station canopies and parking garages.
 - a. All luminaries mounted on or recessed into the lower surface or service station canopies and parking structures must be fully shielded and utilize flat lenses.
 - b. The total light output of luminaries mounted on the lower surface, or recessed into the lower surface of the canopy, and any lighting within signage or illuminated panels over the pumps, may not exceed 50 footcandles. The total light output of other illuminated areas of a service station may not exceed 15 footcandles.
 - c. Illuminance levels for the interior of parking structures, where interior lighting is visible from outside the structure, must conform to IESNA recommendation RP-20.
 - d. Lights may not be mounted on the top or sides of a canopy, and the sides of the canopy may not be illuminated.
- (2) Security lighting.
 - a. Security lighting must be directed towards the targeted area.
 - b. Sensor activated lighting must be located in such a manner as to prevent direct glare and lighting into properties of others or into a public right-of-way, and the system must be designed and maintained so that lights are not activated by activity off of the subject property.
- (3) Architectural accent lighting.
 - a. Fixtures used to accent architectural features, materials, colors, style of buildings, landscaping, or art must be located, aimed and shielded so that light is directed only

on those features. Such fixtures must be aimed or shielded to minimize light spill into the dark night sky in conformance with the luminaire standards.

- b. Lighting fixtures may not generate glare, or direct light beyond the facade onto a neighboring property, streets or into the night sky.

(4) Parking areas.

- a. All lighting fixtures servicing parking lots must be directed downward and not towards buildings or other areas.
- b. Parking lots must be illuminated to a minimum illumination level of 0.4 footcandles at grade level, and the ratio of the average illumination to the minimum illumination may not exceed 4:1.
- c. Light poles used in parking lots with 100 parking spaces or less may not exceed 20 feet in height. Light poles used in parking lots with more than 100 parking spaces may not exceed 35 feet in height.

1026 (e) Plans.

- (a) Applicants for any permit for any residential use required by any provision of the ordinances of the county involving outdoor lighting fixtures must submit evidence that the proposed work will comply with the outdoor lighting regulations of this division.
 - (1) The submission must include the following information with the application for the required permit:
 - a. Description of all proposed outdoor illuminating devices, fixtures, lamps, supports, reflectors. The description may include, but is not limited to catalog cuts and illustrations by manufacturers.
- (b) Applicants for any permit for any commercial use required by any provision of the ordinances of the county involving outdoor lighting fixtures must submit evidence that the proposed work will comply with the outdoor lighting regulations of this division.
 - (1) The submission must include the following information with the application for the required permit:
 - a. Plans indicating the location on the premises of each outdoor illuminating device, both proposed and any already existing on the site.
 - b. Description of all proposed illuminating devices, fixtures, lamps, supports, reflectors. The description may include, but is not limited to catalog cuts and illustrations by manufacturers.
 - c. Photometric data, such as that furnished by manufacturers or similar, showing the angle of cut-off of light emissions.
 - d. Photometric plans must include the maximum and average light layout.
 - (2) The above required plans, descriptions, and data must be complete and accurate so that the Development Services Department is able to readily determine whether the proposal will comply with the requirements of this division.

Sec. 1027 - Bond requirements.

- (1) When bonds are required, the developer must provide proof in writing on forms supplied by, or in a format approved by, Douglas County that a maintenance bond, letter of credit which shall be irrevocable and collateralized, or escrow account in the amount not less than 25 percent of the actual construction cost of the development and/or a performance bond, letter of credit which shall be irrevocable and collateralized, or escrow account in the amount of 150 percent of the actual construction cost of the development have been made payable to Douglas County to install and/or repair all infrastructure if deemed necessary at a future date. All required bonds shall remain current and in good standing or no future permits will be issued until sufficient bonds have been submitted and approved. The bond shall be with a company licensed to do business in the State of Georgia, included on the United States Department of Treasury's list of acceptable sureties, and shall have at least an "A++" or "A+" superior rating from A.M. Best or an equivalent rating from a Nationally Recognized Statistical Rating Organization. If provided from a bank, the bank shall be in good standing with the FDIC. The bond, letter of credit, or escrow amount shall remain in effect until the completion of all required repairs and improvements have been made, or the bond expiration date, whichever is greater.

At this time the Development Services Director or his/her designee shall either:

- (a) Release the bond and accept the bonded improvements.
- (b) Require an additional bond period of up to 12 months, if the project is not developed to the satisfaction of the county.
- (c) Call the bond and hold the bond proceeds until the project meets the county's satisfaction.
- (d) Call the bond and expend the bond proceeds to make the necessary improvements.

(2) Department of Transportation Bond Requirements for Proposed Road Improvements

- a) Performance Bonds and Maintenance Bonds are required for road improvements in Residential Development and all Commercial / Industrial Development.
- b) Bonds are required by the DOT to cover all cost for proposed work within the existing / proposed Right-Of-Way of an existing street or a new proposed street.
- c) Bonds or Letter Of Credit will be acceptable on Douglas County Department of Transportation forms only.
- d) A Performance Bond must be submitted and approved by the Department of Transportation Director or his / her designee prior to plan approval for all Residential, Commercial, and Industrial developments. The Performance Bond shall be 150% of the estimated construction cost of proposed improvements within the County's Right-Of-Way. The term limit for the Performance Bond is 24 months.
- e) A Maintenance Bond must be submitted and approved by the Department of Transportation Director or his / her designee after the inspection, approval of road improvements and prior to release of the Performance Bond for Residential, Commercial, and Industrial developments. The Maintenance Bond shall be 25% of the estimated construction cost of proposed improvements

Article 11. - Erosion Control and Stormwater Management

Sec. 1101 - Purpose of article 11.

This Article contains the requirements that relate to the impact of rainfall events on the natural and manmade environment, including the erosion and siltation effects of site grading and land disturbance activities, the control of stormwater flows and the potential damaging effects of flooding.

Sec. 1102 - Responsibility.

As provided by Intergovernmental Agreement between Douglas County and the Douglasville-Douglas County Water and Sewer Authority (referred to throughout this Article as "the Authority"), the County has delegated such powers, duties and jurisdiction to the Authority as follows for the administration and enforcement of this Article:

1102 (a) Soil erosion and sedimentation control.

The Authority shall have all the powers that the County has as an "issuing authority," except the ability to issue a development permit, which shall only be done by the Development Services Department with the approval of the Authority. When proper, the term "issuing authority" includes the Authority as the contractual agent of the County for all soil erosion and sedimentation control regulation and enforcement activities described in this Article.

1102 (b) Stormwater management.

The Authority shall have jurisdiction over all stormwater management activities within the unincorporated areas of the county and shall provide stormwater management services as provided in this Article.

1102 (c) Designation of floodplain administrator.

The Authority's Engineering Department is hereby appointed to administer, implement, and enforce the floodplain management provisions of this Article.

Sec. 1103 - Soil erosion, sedimentation and pollution control regulations.

1103 (a) Purpose and policy.

The purpose of this Section is to provide uniform rules, regulations, and policies regarding soil erosion, sedimentation and pollution control for all properties and land disturbing activities lying within the jurisdictional limits of any municipality or political subdivision of the State of Georgia with which the Authority has entered into an Intergovernmental Agreement for the Authority to provide stormwater management services, including but not limited to regulation and enforcement of soil erosion, sedimentation and pollution control, and to provide penalties for violations of this Section.

1103 (b) Definitions related to erosion and sediment control.

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

Appropriate Governmental Entity: Douglas County, or any other municipality or political subdivision of the State of Georgia, with which the Authority has entered into an Intergovernmental Agreement for the Authority to provide stormwater management services, including but not limited to regulation and enforcement of soil erosion, sedimentation and pollution control.

Authority, The: The Douglasville-Douglas County Water and Sewer Authority and/or its authorized agents or representatives.

Best Management Practices (BMP's): Sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the "Manual for Erosion and Sediment Control in Georgia" published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

Board: The Board of Natural Resources.

Buffer: The area of land immediately adjacent to the banks of State Waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Certified Personnel: A person who has successfully completed the appropriate certification course approved by the Commission.

CPESC: A Certified Professional in Erosion and Sediment Control with current certification by Certified Profession in Erosion and Sediment Control, Inc. a corporation registered in North Carolina, which is also referred to as CPESC or CPESC, Inc.

Commission: The Georgia Soil and Water Conservation Commission.

County: Douglas County, Georgia and/or its governing authority or authorized agents or representatives.

Cut: A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also know as "excavation."

Department: The Georgia Department of Natural Resources.

Design Professional: A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by Certified Professional in Erosion and Sediment Control, Inc.

District: The West Georgia Soil and Water Conservation District.

Division: The Environmental Protection Division of the Department of Natural Resources.

Drainage Structure: A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm-water management, drainage control or flood control purposes.

Ephemeral State Waters: Streams, ditches and drainage ways that only have flowing water during and immediately after rainfall and do not receive any groundwater flow throughout the year as determined by the "Field Guide for Determining the Presence of State Waters that Require a Buffer" published by the Division and/or the "North Georgia Division of Water Quality Stream Identification Method."

Erosion: The process by which land surface is worn away by the action of wind, water, ice, or gravity.

Erosion, Sedimentation and Pollution Control Plan: A plan required by the Erosion and Sedimentation Act (O.C.G.A. Chapter 12-7) that includes, as a minimum protections at least as stringent as the State General Permit, best management practices and requirements of this Section.

Fill: A portion of land surface to which soil or other solid material has been added; the depth above the original ground.

Final Stabilization: All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfills cell that has been certified by the Division for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or equivalent permanent stabilization measures (such as use of rip rap, gabions, permanent mulches or textiles) have been used. Permanent vegetation shall consist of planted trees, shrubs, perennial vines; a crop of perennial appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region. Final stabilization applies to each phase of construction.

Finished Grade: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Grading: Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping, or any combination thereof, and shall include the land in its cut or filled condition.

Ground Elevation: The original elevation of the ground surface prior to cutting or filling.

Intermittent State Waters: A stream that has a seasonal dry weather flow or a pond that is charged by groundwater for any period of the year as determined by the "Field Guide for Determining the Presence of State Waters That Require a Buffer" published by the Division and/or the "North Carolina Division of Water Quality Stream Identification Method."

Land-Disturbing Activity: Any activity that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting and filling of land but not including those practices that are exempt under Section 1103(c) of this Article.

Larger Common Plan of Development or Sale: A contiguous area where multiple separate and distinct construction activities are occurring under one (1) plan of development or sale. For purposes of this term and its usage in this Chapter, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

Local Issuing Authority: The governing authority of Douglas County, or any other municipality or political subdivision of the State of Georgia with which the Authority has entered into an Intergovernmental Agreement, which have each respectively been certified by the Director of the Environmental Protection Division of the Department of Natural Resources as an issuing authority, pursuant to the Erosion and Sedimentation Act of 1975, as amended, or the Division in those instances where an application for a permit is submitted to the Division. As provided by the appropriate governmental entity has as a "Local

Issuing Authority," except the ability to issue the land-disturbing activity permit with the approval of the Authority. When proper, the term "Local Issuing Authority" shall include the Authority as the contractual agent of the appropriate governmental entity for all soil erosion and sedimentation control regulation and enforcement activities described herein.

May: The regulation or requirement is permissive.

Metropolitan River Protection Act: A state law referenced as O.C.G.A. 12-5-440 et seq. which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Natural Ground Surface: The ground surface in its original state before any grading, excavation or filling.

Nephelometric Turbidity Units (NTU): Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidally dispersed particles are present.

NOI: A Notice of Intent form provided by the Division for coverage under the State General Permit.

NOT: A Notice of Termination form provided by the Division to terminate the coverage under the State General Permit.

Operator: The party or parties that have:

- (a) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications;
- (b) day-to-day operational control of those activities that are necessary to ensure compliance with a storm-water pollution prevention plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the storm-water pollution prevention plan or to comply with other permit conditions.

Outfall: The location where stormwater in a discernable, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

Perennial State Waters: Streams that flow continuously year round or ponds that hold water year round as determined by the "Field Guide for Determining the Presence of State Waters That Require a Buffer" published by the Division and/or the "North Carolina Division of Water Quality Stream Identification Method."

Permit: The authorization necessary to conduct a land-disturbing activity under the provisions of this Article of the Unified Development Code.

Person: Any individual, firm, company, municipal or private corporation, partnership, co-partnership, joint stock company, trust, association, institution, enterprise, estate, commission, board, public or private institution, utility, cooperative, governmental agency, the State of Georgia, the United States of America, or other legal entity, or their representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

Phase or Phased: Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

Project: The entire proposed development project regardless of the size of the area of land to be disturbed.

Properly Designed: Designed in accordance with design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of the NOI submittal.

Roadway Drainage Structure: A device such as a bridge, culvert or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Sediment: Solid material, both organic and inorganic, that is in suspension, is being transported or has been moved from its site of origin by air, water, ice or gravity as a product of erosion.

Sedimentation: The process by which eroded material is transported and deposited by the action of water, wind, ice, or gravity.

Shall: The regulation or requirement is mandatory.

Soil and Water Conservation District Approved Plan: An erosion and sedimentation control plan approved in writing by the West Georgia Soil and Water Conservation District.

Stabilization: The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

State General Permit: The National Pollution Discharge Elimination System general permit or permits for storm-water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the State's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and O.C.G.A. 12-5-30(f).

State Waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation.

Structural Erosion, Sedimentation and Pollution Control Measures: Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sedimentation control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading. Such measures can be found in the publication Manual for Erosion and Sediment Control in Georgia.

Trout streams: All streams or portions of streams as designated by the Game and Fish Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20, et seq., in the rules and regulations for Water Quality Control, Chapter 39-3-6 at www.gaepd.org. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

Vegetative Erosion and Sedimentation Control Measures: Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

- (1) Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
- (2) Temporary seeding, producing short-term vegetative cover; or
- (3) Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication Manual for Erosion and Sediment Control in Georgia.

Watercourse: Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Wetlands: Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. The ecological parameters for designating wetlands include hydric soils, hydrophytic vegetation, and hydrological conditions that involve a temporary or permanent source of water to cause soil saturation.

Wetlands, protected: Those wetlands identified on the National Wetlands Inventory maps prepared by the U.S. Fish and Wildlife Service, or otherwise approved by the U.S. Army Corps of Engineers based on competent studies prepared by a registered and qualified professional engineer.

1103 (c) Exemptions.

- (1) This Section shall apply to any land-disturbing activity undertaken by any person on any land except for the following:
 - a. Surface mining, as same is defined in O.C.G.A. 12-4-72, "The Georgia Surface Mining Act of 1968."
 - b. Granite quarrying and land clearing for such quarrying.
 - c. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, and other related activities, which result in minor soil erosion.
 - d. The construction of single-family residences, when such construction disturbs less than one acre and is not a part of a larger common development plan or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this section; provided however, that construction of any such residence shall conform to the

minimum requirements as set forth in Sections 1103(f) and (g) and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a stream buffer between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such stream buffer, no land-disturbing activity shall occur between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the stream buffer shall be at least fifty (50) horizontal feet, and no variance to a smaller stream buffer shall be granted. For secondary trout waters, the stream buffer shall be at least fifty (50) horizontal feet, but the EPD Director may grant variances to no less than twenty-five (25) feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the stream buffer shall be at least twenty-five (25) horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of Sections 1103(f) and (g) shall be enforced by the Authority.

- e. Agricultural operations as defined in O.C.G.A. 1-3-3, "Definitions," to include those practices involving the establishment, cultivation, or harvesting of products of the field or orchard; the preparation and planting of pasture land; farm ponds; dairy operations; livestock and poultry management practices; and the construction of farm buildings.
- f. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land disturbing or other activities otherwise prohibited in a stream buffer, as established in Section 1103(c)1.d., no other land disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three (3) years after completion of such forestry practices.
- g. Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture.
- h. Any project involving less than one (1) acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre or within two hundred (200) feet of the bank of any state waters. For purposes of this paragraph, "State Waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round. Any person responsible for a project which involves less than one (1) acre, which involves land-disturbing activity and which is within two hundred (200) feet of any such excluded channel or drainageway, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the regulation of any such project that is not specifically exempted by this Subsection and provided further that this exemption shall have no application to the requirements of Section 1103(h) regarding control of disturbed soil on subdivision lots.
- i. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Georgia Department of Transportation, the Georgia Highway Authority or the Georgia Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of Department of Transportation or State Tollway Authority which

disturb one (1) or more contiguous acres of land shall be subject to provisions of O.C.G.A. § 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of the notice of intent under the state general permit shall be submitted to the Authority, the Authority shall enforce compliance with the minimum requirements set forth in Sections 1103(f) and (g) as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders.

- j. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission or distribution of power; except where an electric membership corporation or municipal electric system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission or distribution of power is a secondary permittee for a project located in a larger common plan of development or sale under the state general permit, in which case the Authority will enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued and violations shall be subject to the same penalties as violations by permit holders.
- k. Public water system reservoirs, including the Authority's Bear Creek and Dog River Reservoirs.

1103 (d) Compliance with minimum requirements.

Where Section 1103(c) requires compliance with the minimum requirements set forth in Sections 1103(f) and 1103(g) of this Article, the Authority shall enforce compliance with the minimum requirements as if a permit had been issued and violations shall be subject to the same penalties as violations by permit holders.

1103 (e) General provisions.

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of this Section and the State General Permit are not met. Therefore, plans for those land-disturbing activities that are not excluded by this Section shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the soil erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of Sections 1103(f), 1103(g) and 1103(m). The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this Section and the State General Permit.

1103 (f) Minimum requirements; best management practices.

- a. Best management practices as set forth in Sections 1103(f) and 1103(g) shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with this Section 1103(f)b. or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to the Georgia Water Quality Control Act, O.C.G.A. § 12-5-30(f). As used in this Section, the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6(b).
- b. A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed and maintained shall constitute a separate violation of any land disturbance permit issued by the appropriate governmental entity (upon the approval and release by the Authority) or of any State General Permit, issued by the Division pursuant to the Georgia Water Quality Control Act, O.C.G.A. § 12-5-30 (f), for each day on which such discharge results in the turbidity of receiving waters being increased by more than twenty-five (25) nephelometric turbidity units for waters supporting warm water fisheries or by more than ten (10) nephelometric turbidity units for waters classified as trout streams. The turbidity of the receiving waters shall be measured in accordance with guidelines issued by the Director. This paragraph shall not apply to any land disturbance associated the construction of single-family homes which are not part of a larger common plane of development or sale unless the plan disturbance for such construction is equal to or greater than five (5) acres.
- c. Failure to properly design, install or maintain best management practices shall constitute a violation of any land disturbance permit issued by the appropriate governmental entity (upon the approval and release by the Authority) or any State General Permit issued by the Division pursuant to the Georgia Water Quality Control Act, O.C.G.A. § 12-5-30 (f), for each day on which such failure occurs.
- d. The Director may require, in accordance with regulations adopted by the Board reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.
- e. Douglas County has adopted more stringent buffer requirements as stated in Article 9.

1103 (g) Minimum requirements - specific.

The rules and regulations, ordinances or resolutions adopted pursuant to O.C.G.A. 12-7-1 et. seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the State General Permit, and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the "Manual for Erosion and Sediment Control in Georgia" published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

- a. Stripping of vegetation, re-grading and other development activities shall be conducted in a manner so as to minimize erosion.
- b. Cut-fill operations must be kept to a minimum.
- c. Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential.

- d. Whenever feasible, natural vegetation shall be retained, protected and supplemented.
- e. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum. f. Disturbed soil shall be stabilized as quickly as practicable.
- g. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development.
- h. Permanent vegetation and structural erosion control measures shall be installed as soon as practicable.
- i. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps or similar measures until the disturbed area is stabilized. As used in this Section, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. § 12-7-1 et seq.
- j. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping surface of fills.
- k. Cuts and fills may not endanger adjoining property.
- l. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners.
- m. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum.
- n. Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters.
- o. There is established a 50 foot undisturbed buffer with a building setback of an additional 25 feet along the banks of all perennial and intermittent State waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except:
 - 1. As provided by 1103(g)p.;
 - 2. Where the Director determines to allow a variance that is at least as protective of natural resources and the environment;
 - 3. Where otherwise allowed by the Director pursuant to O.C.G.A. § 12-2-8;
 - 4. Where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specification, and are implemented; or
 - 5. Along any ephemeral stream. As used in this Paragraph, the term "ephemeral stream" means a stream:
 - a. That under normal circumstances has water flowing only during and for a short duration after precipitation events;
 - b. That has the channel located above the groundwater table year round;
 - c. For which groundwater is not a sources of water; and
 - d. For which runoff from precipitation is the primary source of water flow.

Unless exempted as provided in this Section, buffers of at least 50 feet with an additional building setback of 25 feet established pursuant to this Section shall remain in force unless a variance is granted by the Director as provided in this Paragraph.

The following requirements shall apply to any such buffer:

1. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
2. The buffer established by this Paragraph shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:

Stream crossings for water lines; or

Stream crossings for sewer lines.

- p. There is established a 50-foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any State waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 5, the Georgia Water Quality Control Act, except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25-foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented.

The following requirements shall apply to such buffer:

1. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided,

however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed.

2. The buffer established by the Paragraph shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:

Stream crossings for water lines; or

Stream crossings for sewer lines.

- q. Douglas County has established more stringent buffer requirements on streams that serve as source water for public water supplies as Stated in Article 9.

1103 (h) Control of disturbed soil on subdivision lots that are less than one acre.

- (1) Silt fencing; required.

- a. No soil disturbance and no construction shall be performed on any subdivision lot of less than one acre, prior to installation of silt fencing.
- b. The silt fencing shall be installed at the perimeter of the lot over at least one-half the perimeter distance. Placement of silt fencing shall be adequate to prevent migration of soil from the lot onto any adjacent street, property, or waterway. Silt fencing shall be installed in accordance with procedures recommended and prescribed by the Department of Natural Resources and the Soil Conservation Service. The required silt fencing shall be maintained throughout the entire period of construction, and shall be removed only after soil on the lot has been stabilized. The required silt fencing shall be installed and maintained so as to withstand any rainfall event of a magnitude of less than a ten-year storm without breakage, undercutting, or other failure.

- (2) Access pad; required.

- a. No soil disturbance and no construction shall be performed on any subdivision lot of less than one acre, prior to installation of an access pad.
- b. The access pad shall consist of gravel or coarse aggregate, located at the point of ingress and egress to the lot to be traveled by vehicles. The access pad shall be of sufficient size to accommodate all necessary vehicular traffic onto and off of the lot and to prevent all tracking of soil and mud onto the street. The access pad shall be of sufficient size to make any structure under construction completely accessible for delivery of building materials or for other purposes without the necessity for any vehicle to traverse through unprotected soil. The access pad shall be of sufficient depth to provide a clean driving surface at all times, including but not limited to times during and immediately after a rainfall event. The required access pad shall be maintained throughout the entire period of construction, and shall be removed only after soil on the lot has been stabilized. Any access pad that shows visible signs of contamination, due to overuse or migration of soil, shall be removed and replaced.

1103 (i) Local authority to exceed minimum requirements.

Nothing contained in O.C.G.A. 12-7-1 et. seq. shall prevent the Authority from adopting rules and regulations, ordinances, design and construction standards, or resolutions that contain requirements that exceed the minimum requirements in Sections 1103(f) and (g).

1103 (j) No presumption of violation.

The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Section or the terms of the permit.

1103 (k) Application/permit process; generally.

The property owner, developer, and designated planners and engineers shall design and review the general development plans and detailed plans before submittal to Authority. They shall review the appropriate governmental entity's zoning and subdivision ordinances and the Authority's stormwater management regulations, floodplain management regulations, this Section, and any other applicable ordinances or Authority Rules and Regulations or Design and Construction Standards which regulate the development of the subject land. However, the owner and/or operator are the only parties who may obtain a permit.

1103 (l) Application requirements.

- (1) No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the appropriate governmental entity without first obtaining the approval of the appropriate governmental entity, depending upon the location of the subject property, and the Authority, by obtaining a land disturbance activity permit, which shall be issued by the appropriate governmental entity and released by the Authority, and providing a copy of the Notice of Intent submitted to the Division if applicable.
- (2) The application for a permit shall be submitted to the Authority and must include the applicant's erosion, sedimentation and pollution control plan with such supporting data as will affirmatively demonstrate that the land-disturbing activity proposed will be carried out in such a manner that the minimum requirements set forth in this Section shall be met. Said plans shall include, as a minimum, the data specified in Section 1103(m) and shall conform to the provisions of Sections 1103(f) and 1103(g) of this Section. Applications for a permit will not be accepted unless accompanied by two copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7.10.
- (3) A fee as provided in Chapter 4 of these Rules and Regulations, shall be paid to the Authority for each acre or fraction thereof in the project area (See Section 4-14(L)). In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (50 subsection (a) of O.C.G.A. 12-5-23, provided that such fees shall not exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the State General Permit for each acre of land-disturbing activity included in the planned development or each phase or development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. 12-7-8 half of such fees levied shall be submitted to the Division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 shall be

submitted in full to the Division, regardless of the existence of a Local Issuing Authority in the jurisdiction.

- (4) Immediately upon receipt of an application and plan for a permit, the Authority shall forward a copy of the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The District shall approve or disapprove the plan within thirty-five (35) days of receipt. Failure of the District to act within thirty-five (35) days shall be considered approval of the pending plan. The results of the District review shall be forwarded to the appropriate governmental entity. No permit will be issued unless the plan has been approved by the District, and any variances required by Section 1103(g)o. and p. have been obtained, and all fees have been paid, and bonding, if required under this Article has been obtained. Such review will not be required if the appropriate governmental entity and the District have entered into an agreement which allows the appropriate governmental entity to conduct such review and approval of the plan without referring the application and plan to the District. Upon satisfaction of all requirements for the issuance of the permit, the appropriate governmental entity shall issue the permit and provide it to the Authority, and the Authority shall release the permit to the applicant.
- (5) Erosion and sedimentation performance surety.
 - a. If a permit applicant has had two or more violations of previous development permits, this Section, or the Georgia Erosion and Sedimentation Act of 1975, O.C.G.A. § 12-7-1, et seq., as amended, within three years prior to the date of filing of the application under consideration, the Authority may deny the permit application; or
 - b. The applicant shall post a bond in the form of government security, cash, irrevocable letter of credit or any combination thereof up to, in the amount required by Chapter 4 of these Rules and Regulations prior to the issuance of the permit. If the applicant does not comply with this Article or with the conditions of the permit after issuance, the Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor or use the Authority's own forces to stabilize the site of the land disturbing activity and bring it into compliance. Notice and hearing and administrative appeal and judicial review for any bond forfeiture shall be as provided in Section 1103(t) of this Article.

1103 (m) Plan requirements.

- (1) Minimum requirements.

Plans must be prepared to meet the minimum requirements as contained in Sections 1103(f) and (g) of this Article or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The Manual for Erosion and Sediment Control in Georgia is hereby incorporated by reference into this Section. The plan for the land-disturbing activity shall consider the interrelationship of soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and stormwater management facilities, local ordinances, and state laws.

- (2) Data required for site plan.

The plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the Commission as

of January 1 of the year in which the land-disturbing activity was permitted as well as information required by the Authority's Design and Construction Standards.

(3) *Maps, drawings, and supportive computations.*

Maps, drawings and supportive computations shall bear the signature and seal of a certified design professional who is a registered professional engineer, architect, landscape architect, and/or land surveyor, as applicable to satisfy the requirements of this Section. Persons involved in land development design, review, permitting, construction, monitoring or inspection of any land disturbing activity shall meet the education and training certification requirements as developed by the Commission and in consultation with the Division and the Stakeholder Advisory Board created pursuant to O.C.G.A. § 12-7-20.

(4) *Maintenance.*

Maintenance of all soil erosion and sedimentation control practices, whether temporary or permanent, shall be at all times the responsibility of the property owner.

1103 (n) Permits.

- (1) Permits shall be approved or denied as soon as practicable, but in any event not later than forty-five (45) days after receipt by the Authority of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.
- (2) No permit shall be issued by the appropriate governmental entity and released by the Authority unless the erosion, sedimentation and pollution control plan has been approved by the District and the Authority has affirmatively determined that the plan is in compliance with this Section, any variances required by Section 1103(g)o. and p. are obtained, bonding requirements, if necessary, as per this Article are met, and all ordinances and rules and regulations in effect within the jurisdictional boundaries of Douglas County, including but not limited to all of the Authority's Rules and Regulations and Design and Construction Standards, are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
- (3) If the tract is to be developed in phases, then a separate permit shall be required for each phase.
- (4) The permit may be suspended, revoked, or modified by the Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in title is not in compliance with the approved erosion, sedimentation and pollution control plan or that the holder or his successor in title is in violation of this Section. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit. Transfer of title to any permitted property, prior to termination of the permit, shall not act to release the original title and permit holder from liability for compliance with the terms of this Section unless and until such time as:
 - a. A new permit has been issued to the successor in title; or
 - b. The permit has been transferred to the successor in title as follows:
 1. The successor in title has submitted a request in writing that the permit be transferred to him or her; and
 2. The successor in title has complied with the bonding requirements of this Article and

3. The Authority has approved the transfer of the permit in writing. Any transfer of a permit under the authority of this Paragraph shall bind the successor permit holder to the same plan, requirements, variances, and permit conditions as the former permit holder. All successors in title to permitted properties shall request in writing a transfer of the permit or shall apply for a new permit within twenty (20) days after recording of the deed transferring title; failure of a successor in title to comply with this requirement, whether or not the permit of the former title holder has been terminated, shall subject the successor in title to any and all penalties prescribed by this Section.
- (5) Every permit or renewal thereof shall be valid for a period of one year, if not sooner renewed, terminated, revoked, or surrendered. Permits shall be eligible for renewal by the Authority within sixty (60) days prior to expiration. The Authority may refuse renewal based on materially changed land conditions or based on any ground that would be the basis for revocation of the active permit.
- (6) Any change or amendment of design and construction plans for the project that may materially impact or negate the permit based on original approval of the plan shall require a permit amendment. All amendments shall be applied for in writing and follow the same procedure for approval as original applications for a permit.
- (7) Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this Article, and any other ordinances relating to land development, as are applied to private persons and the Division shall enforce such requirements upon the local issuing authority.

1103 (o) Inspection and enforcement.

- (1) The Authority will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. The Authority shall regulate both primary, secondary and tertiary permittees as such terms are defined in the State General Permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land disturbing activities. Tertiary permittees shall be responsible for installation and maintenance of best management practices where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this Section, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this Section.
- (2) The Authority shall have the power to conduct such investigations as it may deem reasonably necessary to carry out duties as prescribed in this Section, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.

- (3) No person shall refuse entry or access to any authorized representative or agent of the Authority, the appropriate governmental entity, the Commission, the District, or the Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out his official duties.
- (4) The District or Commission or both shall semi-annually review the actions of the Authority and the appropriate governmental entity (Douglas County) which have been certified as a Local Issuing Authority pursuant to O.C.G.A. § 12-7-8(a). The District or the Commission or both may provide technical assistance to the appropriate governmental entity and/or the Authority for the purpose of improving the effectiveness of the appropriate governmental entity's and the Authority's erosion, sedimentation and pollution control program. The District or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.
- (5) The Division may periodically review the actions of the appropriate governmental entity which has been certified as a Local Issuing Authority pursuant to O.C.G.A. § 12-7-8(a). Such review may include, but shall not be limited to, review of conformance and enforcement of the appropriate governmental entity's ordinances and/or the Authority's Rules and Regulations and review of conformance with and agreement, if any, between the District and the appropriate governmental entity and/or the Authority. If such review indicates that the appropriate governmental entity certified pursuant to O.C.G.A. § 12-7-8(a) and/or the Authority has not administered or enforced its ordinances and/or the Authority's Rules and Regulations or has not conducted its program in accordance with any agreement entered into pursuant to O.C.G.A. § 12-7-7(e), the Division shall notify the appropriate governmental entity in writing. The governing authority of the appropriate governmental entity so notified shall have ninety (90) days within which to take the necessary action to retain certification as a Local Issuing Authority. If the appropriate governmental entity does not take the necessary corrective action within ninety (90) days after notification by the Division, the Division shall revoke the certification of the appropriate governmental entity as a Local Issuing Authority.
- (6) The Authority must amend this Chapter and local issuing authorities must amend ordinances to the extent appropriate within twelve (12) months of any amendments to the Erosion and Sedimentation Act of 1975 (O.C.G.A. 12-7) or the Model Ordinance published by the Division.

1103 (p) Failure to obtain a permit for land-disturbing activity.

If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this Section without first obtaining said permit, the person shall be subject to termination of any water service provided by the Authority and revocation of his business license, any work permits, or other authorizations for the conduct of any business, including any land-disturbing activity and utility contracting and associated work activities, including but not limited to all site work, soil erosion and sedimentation control work, stormwater management work, and water and sewer construction work, within the jurisdictional boundaries of the appropriate governmental entity and the Authority.

1103 (q) Stop-work orders.

- a. For the first and second violations of the provisions of this Section, the Authority shall issue a written warning to the violator. The violator shall have five (5) days to correct the violation. If the violation is not corrected within five (5) days, the Authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or

mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Authority shall issue an immediate stop-work order in lieu of a warning.

- b. For a third and each subsequent violation, the Authority shall issue an immediate stop-work order.
- c. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
- d. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the Authority or by the Director or his/her designee, have been or are being discharged into State Waters and where best management practices have not been properly designed, installed and maintained, a stop work order shall be issued by the Authority or by the Director or his/her designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sedimentation controls.

1103 (r) Bond forfeiture.

If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this Section and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of this Article. The Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor or use the Authority's own forces to stabilize the site of the land-disturbing activity and bring it into compliance.

1103 (s) Monetary penalties.

Any person who violates any provisions of this Section, any of the Authority's Rules and Regulations or Design and Construction Standards adopted pursuant hereto, or any permit condition or limitation established pursuant to this Section, or who negligently or intentionally fails or refuses to comply with any order or directive of the Authority or any final or emergency order of the Director issued as provided in this Section or as otherwise provided by state law may be held liable for a monetary penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this Section, notwithstanding any provision in any city charter to the contrary, any municipal court shall be authorized to impose penalties not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of local or county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this Section shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

1103 (t) Administrative appeal; judicial review.

a. Administrative remedies.

Any person receiving a notice of violation may appeal the determination of the Authority, including, but not limited to the issuance of a stop work order, the assessment of an administratively-imposed monetary penalty, the suspension, revocation, modification or grant with condition of a permit by the Authority upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan, or that the holder is in violation of permit conditions, or that the holder is in violation of any applicable ordinance or any of the Authority's Rules and Regulations or Design and Construction Standards, or the issuance of a notice of bond forfeiture. The notice of appeal must be in writing and must be received within thirty (30) days from the date of the notice of violation. A hearing on the appeal shall take place within fifteen (15) days from the date of receipt of the written notice of appeal by the Executive Director. All appeals shall be heard and decided by the Authority's designated Appeal Panel, which shall include the Executive Director, the Chief Financial Officer of the Authority, and the Deputy Director of Operations, or their designees. The Appeal Panel shall have the power to affirm, modify or reject the original penalty and the right to add or delete remedial actions required for correction of the violation and compliance with the Authority's Rules and Regulations, Design and Construction Standards, and any other applicable local, state or federal requirements. The decision of the Appeal Panel shall be final.

b. Judicial review.

Any person, aggrieved by a decision or order of the Authority, after exhausting his administrative remedies, shall have the right to appeal to the Superior Court of Douglas County by petition for writ of certiorari, which must be filed within thirty (30) days of the final decision of the Appeal Panel.

1103 (u) Education and certification.

Persons involved in land development design, review, permitting, construction monitoring or inspection or any land disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the Commission in consultation with the Division and the Stakeholder Advisory Board created pursuant to O.C.G.A. § 12-7-20.

- a. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary or tertiary permittee, as defined in the State General Permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbing site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the State General Permit.
- b. Persons or entities involved in projects not requiring a State General Permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this ordinance.
- c. If a State General Permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a

subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A. 12-7-19 and shall not be required to meet any education requirements that exceed those specified in said paragraph.

1103 (v) Effectivity.

This article shall become effective upon approval by the Authority's Board of Directors, which shall be evidenced by a written resolution of the Authority's Board of Directors and which shall set forth the specific date for this Article and any amendments thereto.

1103 (w) Validity.

If any Section, Paragraph, clause, phrase or provision of this Section shall be adjudged invalid, unenforceable or unconstitutional, such decisions shall not affect the remaining portions of this Section.

1103 (x) Liability.

- (1) Neither the approval of a plan under the provisions of this Section nor the compliance with provisions of this Section shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Authority, local issuing authority or District for damage to any person or property.
- (2) The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Section or the terms of the permit.
- (3) No provision of this Section shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act, or any of the Authority's Rules and Regulations or Design and Construction Standards promulgated and approved thereunder, or to pollute any waters of the state as defined thereby.

Sec. 1104 - Stormwater management regulations.

1104 (a) Stormwater management; purpose and policy.

The purpose of the stormwater management regulations set forth in this Section is to protect, maintain, and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. The goal of proper management of post-development stormwater runoff is to minimize damage to public and private property and infrastructure, to safeguard the public health, safety, environment, and general welfare of the public, and to protect water and aquatic resources. The regulations set forth in this Section seek to meet that goal through the following objectives:

- (1) Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources;
- (2) Require that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, stream bank erosion, nonpoint source pollution, and increases in stream temperature and to maintain the integrity of stream channels and aquatic habitats;

- (3) Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
- (4) Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards;
- (5) Encourage the use of nonstructural stormwater management and stormwater better site design practices, such as the preservation of greenspace and other conservation areas, to the maximum extent practicable;
- (6) Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; and,
- (7) Establish administrative procedures for:
 - a. Submission, review, approval, and disapproval of stormwater management plans;
 - b. Inspection of approved active projects; and
 - c. Long-term follow-up.

1104 (b) Definitions relating to stormwater management.

The following definitions shall apply to Section 8 of these Rules and Regulations:

Applicant, Stormwater: A person submitting a post-development stormwater management application and plan for approval.

Channel: A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Conservation Easement: An agreement between a land owner and the Authority or other government agency or land trust that permanently protects open space or greenspace on the owner's land by limiting the amount and type of development that can take place, but continues to leave the remainder of the fee interest in private ownership. See also the Environmental Protection Article of this Development Code for further details.

Detention: The temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge.

Detention Facility: A detention basin or structure designed for the detention of stormwater runoff and gradual release of stored water at controlled rates.

Developer: Any person who undertakes land development activities and who is authorized to act on behalf of and with the full authority of the property owner in connection with the development of one or more tracts or parcels of land, including but not limited to construction activities associated with the installation of water, wastewater, and/or stormwater management structures, facilities, and measures and implementation and maintenance of soil erosion and sedimentation control practices.

Development: (1) A land development project involving the construction of streets, utilities, buildings, or other improvements required for the habitation or use of property, such as a residential neighborhood,

an apartment complex, a store, or a shopping center; (2) any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials; (3) the act of constructing or carrying out a land development project, including the alteration of land or vegetation in preparation for construction activity.

Drainage Easement: An easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

Erosion and Sedimentation Control Plan: A plan that is designed to minimize the accelerated erosion and sediment runoff at a site during land disturbance activities.

Executive Director: The chief executive officer of the Douglasville-Douglas County Water and Sewer Authority or an authorized designee or agent of the Executive Director.

Extended Detention: The detention of stormwater runoff for an extended period, typically 24 hours or greater.

Extreme Flood Protection: Measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

Flooding: A volume of surface water that is too great to be confined within the banks or walls of a conveyance or stream channel and that overflows onto adjacent lands.

Georgia Stormwater Management Manual (GSMM): The latest edition of said manual, as defined on the GSMM website at www.georgiastormwater.com. Updates, errata and revisions will be provided on the website.

Greenspace or Open Space: Permanently protected areas of the site that are preserved in a natural state.

Hotspot: An area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

Hydrologic Soil Group (HSG): A Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups, ranging from group A soils, which have high permeability rates and produce little runoff, to group D soils, which have low permeability rates and produce much more runoff.

Impervious Cover: A surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, and any concrete or asphalt surface.

Industrial Stormwater Permit: A National Pollutant Discharge Elimination System (NPDES) permit issued to an industry or group of industries, which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

Infiltration: The process of percolating stormwater runoff into the subsoil.

Jurisdictional Wetland: See "Wetland, Jurisdictional."

Land Development: Any land change, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.

Land Development Activities: Those actions or activities that comprise, facilitate, or result in land development. See also "Development."

Land Development Project: A discrete land development undertaking.

Linear Development Project: A land development project that is linear in nature, including but not limited to (1) the construction of electric and telecommunication utility lines, natural gas and petroleum pipelines, water and sewer lines, and related facilities, including but not limited to electric substations and pumping stations; (2) construction of tracks, rights-of-way, bridges, communication facilities, and other related facilities of a railroad company; and (3) road and highway projects.

New Development: A land development activity on a previously undeveloped site.

Nonpoint Source Pollution: A form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollution such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials, and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal, and urban runoff sources.

Nonstructural Stormwater Management Practice or Nonstructural Practice: Any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, including but not limited to riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.

NPDES Permit: A national pollutant discharge elimination system permit issued by the State of Georgia, Department of Natural Resources, Environmental Protection Division or EPA pursuant to the Clean Water Act for the purpose of regulating the discharge of sewage, industrial wastes and other wastes (under the authority of Section 402 of the Clean Water Act), into the navigable waters of the United States.

Off-Site Stormwater Facility: A stormwater management facility located outside the boundaries of the site.

On-Site Stormwater Facility: A stormwater management facility located within the boundaries of the site.

Overbank Flood Protection: Measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e., flow events that exceed the capacity of the channel and enter the floodplain) and that are intended to protect downstream properties from flooding for the 2-year through 25-year frequency storm events.

Owner: The legal or beneficial owner of a site, including, but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of the site.

Permit: See "Development Permit."

Post-development: Refers to the time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site, as the context may require.

Pre-development: Refers to the time period, or the conditions that exist, on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.

Project: A land development project.

Redevelopment: A land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff or cause additional nonpoint source pollution.

Regional Stormwater Management Facility or Regional Facility: Stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

Runoff: Stormwater runoff.

Site: The parcel of land being developed, or the portion thereof on which the land development project is located.

Stormwater Better Site Design: Nonstructural site design approaches and techniques that can reduce a site's impact on the watershed and can provide for nonstructural stormwater management. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover, and using natural features for stormwater management.

Stormwater Management: The collection, conveyance, storage, treatment, and disposal of stormwater runoff in a manner intended to prevent increased flood damage, stream bank channel erosion, habitat degradation, and water quality degradation and to enhance and promote the public health, safety, and general welfare.

Stormwater Management Facility: Any infrastructure that controls or conveys stormwater runoff.

Stormwater Management Measure: Any stormwater management facility or nonstructural stormwater practice.

Stormwater Management Plan: A document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this Section.

Stormwater Management System: The entire set of structural and nonstructural stormwater management facilities and practices that are used to capture, convey, and control the quantity and quality of the stormwater runoff from a site.

Stormwater Retrofit: A stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

Stormwater Runoff: The flow of surface water resulting from precipitation.

Structural Stormwater Control: A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff, including, but not limited to, the quantity and quality, the period of release, or the velocity of flow of such runoff.

Subdivision: The division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership, or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

Watercourse: A channel in which a flow of water occurs, whether continuously or intermittently.

Waters of the State: All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies of accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof. See also "State Waters."

Wetlands. Jurisdictional: An area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.

1104 (c) Stormwater management; applicability.

(1) Regulations applicable to all land development.

This Section shall be applicable to all land development, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless specifically exempted pursuant to Paragraph B., below. This Section shall apply to any new development or redevelopment site that meets one or more of the following criteria:

- a. New development that involves the creation of 5,000 square feet or more of impervious cover, or that involves other land development activities of one (1) acre or more;
- b. Redevelopment that includes the creation, addition or replacement of 5,000 square feet or more of impervious cover, or that involves other land development activity of one (1) acre or more;
- c. Any new development or redevelopment, regardless of size, that is defined by the Authority to be a hotspot land use; or,
- d. Land development activities that are smaller than the minimum applicability criteria set forth in subparagraphs (a) and (b), above, if such activities are part of a larger common plan of development, even though multiple, separate, and distinct land development activities may take place at different times on different schedules.

(2) Exemptions.

The following activities are exempt from this Section:

- a. Individual single-family or duplex residential lots that are not part of a subdivision or phased development project;
 - b. Additions or modifications to existing single-family or duplex residential structures;
 - c. Agricultural or silvicultural land management activities within areas zoned for these activities; and
 - d. Repairs to any stormwater management facility or practice deemed necessary by the Authority, and any other repairs performed by the Authority or its agents.
- (3) Designation of stormwater management administrator.

The Authority's Engineering Department is hereby appointed to administer, implement, and enforce the provisions of this Section.

1104 (d) Compatibility with other regulations.

This Section is not intended to modify or repeal any other ordinance, rule, regulation, resolution, or other provision of law. The requirements of this Section are in addition to the requirements of any other ordinance, rule, regulation, resolution, or other provision of law, and where any provision of this Section imposes restrictions different from those imposed by any other ordinance, rule, regulation, resolution, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

1104 (e) Stormwater design manual.

The Authority will utilize the policy, criteria, and information, including technical specifications and standards in the latest edition of the *Georgia Stormwater Management Manual* and the technical criteria, specifications, and standards set forth in the Authority's Design and Construction Standards for the proper implementation of the requirements of this Section. The Authority's Design and Construction Standards may be updated and expanded periodically, based on improvements in science, engineering, monitoring, and local maintenance experience.

1104 (f) Stormwater management permit application requirements.

No person shall perform any land development activities without first meeting the requirements of this Section prior to commencing the proposed activity.

Unless specifically exempted by this Section, any owner or developer proposing a land development activity shall submit to the Authority a permit application on a form provided by the Authority for that purpose.

Unless otherwise exempted by this Section, a permit application shall be accompanied by the following items, in order to be considered:

- (1) Stormwater management concept plan and consultation meeting certification in accordance with Sec. 1104 (g), below, if applicable;
- (2) Stormwater management plan in accordance with Sec. 1104 (h), below;
- (3) Performance bond in accordance with Sec. 1104 (j), below, if applicable; and
- (4) Permit application and plan review fees in accordance with Sec. 1104 (l), below.

1104 (g) Stormwater management concept plan and consultation meeting.

It is recommended that the land owner or developer meet with the Authority for a consultation meeting on a concept plan for the post-development stormwater management system to be utilized in the proposed land development project. This consultation meeting should take place prior to the time of submittal of the preliminary plat of subdivision or other early step in the development process. The purpose of this meeting is to discuss the post-development stormwater management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities, and potential ideas for stormwater management designs before the formal site design engineering is commenced.

The following information shall be included in the concept plan, which shall be submitted in advance of the meeting:

(1) Existing conditions/proposed site plans:

Existing conditions and proposed site layout sketch plans, which illustrate at a minimum: existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys (when available); boundaries of existing predominant vegetation and proposed limits of clearing and grading; and location of existing and proposed roads, buildings, parking areas, and other impervious surfaces.

(2) Natural resources inventory:

A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site, as well as the location and boundaries of other natural feature protection and conservation areas, such as wetlands, lakes, ponds, floodplains, stream buffers, and other setbacks (including but not limited to setbacks required by Section 2 of these Rules and Regulations, drinking water well setbacks, and septic setbacks). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.

(3) Stormwater management system concept plan:

A written or graphic concept plan of the proposed post-development stormwater management system including: preliminary selection and location of proposed structural stormwater controls; location of proposed structural stormwater controls; location of existing and proposed conveyance systems, such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of proposed stream channel modifications, such as bridge or culvert crossings.

Local watershed plans, any applicable local greenspace projection plans, and any relevant resource protection plans will be consulted in the discussion of the concept plan.

1104 (h) Stormwater management plan requirements.

- (1) The stormwater management plan shall detail how post-development stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this

Section, including the performance criteria set forth in Sec. 1104 (n), below, and the performance criteria set forth in the Authority's Design and Construction Standards.

- (2) The stormwater management plan shall be in accordance with the criteria established in this Section and must be submitted with the stamp and signature of a Professional Engineer (PE) licensed in the State of Georgia, who must verify that the design of all stormwater management facilities and practices meet the submittal requirements outlined in the submittal checklist(s) found in the Authority's Design and Construction Standards.
- (3) The stormwater management plan must ensure that the requirements and criteria of this Section, including the Authority's Design and Construction Standards, are being complied with and that opportunities are being taken to minimize adverse post-development stormwater runoff impacts from the development. The stormwater management plan shall consist of maps, narrative, and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The stormwater management plan shall include all of the information required in the Stormwater Management Site Plan checklist found in the Authority's Design Construction Standards, including:

- a. Common address and legal description of site;
- b. Vicinity map;
- c. Existing conditions hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include:

A topographic map of existing site conditions with the drainage basin boundaries indicated; acreage, soil types, and land cover of areas for each subbasin affected by the project; all perennial and intermittent streams and other surface water features; all existing stormwater conveyances and structural control facilities; direction of flow and exits from the site; analysis of runoff provided by off-site areas upstream of the project site; and methodologies, assumptions, site parameters, and supporting design calculations used in analyzing the existing conditions site hydrology. For redevelopment sites, predevelopment conditions shall be modeled using the established guidelines for the portion of the site undergoing land development activities.

- d. Post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include:

A topographic map of developed site conditions with the post-development drainage basin boundaries indicated; total area of post-development impervious surfaces and other land cover areas for each subbasin affected by the project; calculations for determining the runoff volumes that need to be addressed for each subbasin for the development project to meet the post-development stormwater management performance criteria in Sec. 1104 (n), below, and the performance criteria set forth in the Authority's Design and Construction Standards; location and boundaries of proposed natural feature protection and conservation areas; documentation and calculations for any applicable site design credits that are being utilized; methodologies, assumptions, site parameters, and supporting design calculations used in analyzing the existing conditions site hydrology. If the land development activity on a redevelopment site constitutes more than 50 percent of the site area for the entire site, then the performance criteria in Section 8-14, below, and the performance criteria set forth in the Authority's Design and Construction Standards must be met for the stormwater runoff from the entire site.

e. Stormwater management system.

The description, scaled drawings, and design calculations for the proposed post-development stormwater management system, which shall include: a map and/or drawing or sketch of the stormwater management facilities, including the location of nonstructural site design features and the placement of existing and proposed structural stormwater controls, including design water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes; a narrative describing how the selected structural stormwater controls will be appropriate and effective; cross-section and profile drawings and design details for each of the structural stormwater controls in the system, including supporting calculations to show that the facility is designed according to the applicable design criteria; a hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves and inflow and outflow hydrographs); documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria in Sec. 1104 (n), below, and the performance criteria set forth in the Authority's Design and Construction Standards; drawings, design calculations, elevations, and hydraulic grade lines for all existing and proposed stormwater conveyance elements, including stormwater drains, pipes, culverts, catch basins, channels, swales, and areas of overland flow; and where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans and/or local greenspace protection plan.

f. Post-development downstream analysis.

A downstream peak flow analysis, which includes the assumptions, results, and supporting calculations to show safe passage of post-development design flows downstream. The analysis of downstream conditions in the report shall address each and every point or area along the project site's boundaries at which runoff will exit the property. The analysis shall focus on the portion of the drainage channel or watercourse immediately downstream from the project. This area shall extend downstream from the project to a point in the drainage basin where the project area is 10 percent of the total basin area. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned future upstream land use changes. The analysis shall be in accordance with the Authority's Design and Construction Standards and/or the Georgia Stormwater Management Manual.

g. Construction-phase erosion and sedimentation control plan.

The Construction-Phase Erosion and Sedimentation Control Plan shall be in accordance with the Georgia Erosion and Sedimentation Control Act, this Section, and any applicable NPDES Permit for Construction Activities. The plan shall also include information on the sequence/phasing of construction and temporary stabilization measures and temporary structures that will be converted into permanent stormwater controls and a description of who will be responsible for their maintenance.

h. Landscaping and open space plan.

A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to stormwater management facilities and

practices. The landscaping plan must also include: the arrangement of planted areas, natural and greenspace areas, and other landscaped features on the site plan; information necessary to construct the landscaping elements shown on the plan drawings; descriptions and standards for the methods, materials, and vegetation that are to be used in the construction; density of plantings; descriptions of the stabilization and management techniques used to establish vegetation; and a description of who will be responsible for ongoing maintenance of vegetation for the stormwater management facility and what practices will be employed to ensure that adequate vegetative cover is preserved.

i. Operations and maintenance plan.

Detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure their continued function as designed and constructed or preserved. These plans will identify the parts or components of a stormwater management facility or practice that need to be regularly or periodically inspected and maintained and the equipment and skills or training necessary. The plan shall include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access, and safety issues. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

j. Blanket easement for access and inspection.

1. The Authority shall have a blanket easement upon, over, and across the subject property for access, ingress, egress, inspection, and investigation of private stormwater management facilities, structures, and practices covered by this Section or otherwise required by federal, state, or local law, ordinance, or regulation. The Authority shall have the power to conduct such inspections and investigations as it may deem reasonably necessary to regulate and enforce the private maintenance and repair responsibilities for said private stormwater management facilities, structures, and practices. The Authority shall have the right to enter at reasonable times upon the subject private property for purposes of inspection, investigation, and all other activities or actions reasonably related to the enforcement the requirements of this Section.
2. No person shall refuse entry or access to any authorized representative or agent of the Authority or the appropriate governmental entity who requests entry for the purposes of inspection and/or investigation, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out his official duties.

k. Evidence of acquisition of applicable local and non-local permits.

The applicant shall certify and provide documentation to the Authority that all other applicable environmental permits have been acquired for the site prior to approval of the stormwater management plan.

1104 (i) Final survey plat notation regarding ownership and maintenance of stormwater management structures.

- (1) Upon completion of construction and as a specific condition of project acceptance, a copy of the proposed final subdivision plat (where applicable), or 5 copies of a plat of survey in legally recordable form (for non-subdivision projects), must be submitted to the Authority for review and approval, indicating all stormwater structures and features. The final survey plat must be approved by the Authority, as evidenced by the placement of the following notation on the final plat, which shall be signed by the Executive Director of the Authority or his designee:

"Approval of this plat and acceptance of the project represented herein shall be deemed to be an acceptance by the Douglasville-Douglas County Water and Sewer Authority (the "Authority") of all dedicated water mains, sanitary sewer mains, and lift stations that serve more than one property owner, as well as all stormwater collection and conveyance structures located in the public right-of-way, including inlets, catch basins, pipes, ditches, and channels. Approval of this plat and acceptance of the project represented herein shall not be deemed an acceptance, either express or implied, of any stormwater facilities, structures, or features located outside the public right-of-way on private property. All stormwater facilities, structures, and features located on private property shall be owned and maintained by the property owner(s), in accordance with the requirements of the Authority's Rules and Regulations. The Authority shall not be responsible or liable for any drainage outside of the right-of-way; for any drainage leading from drop inlets, catch basins, or surface drainage; for flooding or erosion from storm drains; or from flooding from high water of natural creeks or rivers. This statement is included on this final plat as a condition of acceptance and shall be in the nature of a covenant running with the land, serving as notice to all future owners of the existence of the drainage easements and stormwater features as shown on the plat and the private duty to maintain them in perpetuity. As a condition of approval of this plat and acceptance of this project by the Authority, the developer and owner hereby covenant that any future deed conveying all or any portion of the property or lots shown herein shall specifically refer to this plat and incorporate this plat by reference."

- (2) Said final subdivision plat or final plat of survey of the project shall be recorded in the Records of the Clerk of the Superior Court of Douglas County, Georgia and proof of recording provided to the Authority within 10 days of the Authority's acceptance of the project of the appropriate governmental entity's approval of the final subdivision plat, whichever is later. For new development, no water meters shall be sold for the property unless and until proof of the properly recorded plat required by this Section is provided to the Authority. For redevelopment, failure to record the final plat or to timely provide proof of such recording to the Authority shall result in termination of water service to the property. Notwithstanding the specific remedies set forth in this Section, the Authority shall have the right to proceed with such other remedies as may be available under the law to enforce the requirements of this Section.

1104 (j) Stormwater management performance and maintenance bonds.

The Authority shall have the right to require the posting of performance and maintenance bonds to ensure the proper construction and ongoing maintenance of stormwater management facilities by private owners, which bonds may be called or forfeited upon any failure to comply with the requirements of this Section.

1104 (k) Stormwater management application procedure.

- (1) Applications for land development permits shall be filed with the Authority.

- (2) Permit applications shall include the items set forth in Sec. 1104 (f), above. Two copies of the stormwater management plan shall also be included.
- (3) The Authority shall inform the applicant whether the application and stormwater management plan are approved or disapproved.
- (4) If either the permit application or stormwater management plan is disapproved, the Authority shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same, in which event subparagraph 3 above and this subparagraph shall apply to such resubmittal.
- (5) Upon a finding by the Authority that the permit application and stormwater management plan meet the requirements of this Section, the appropriate governmental entity may issue and the Authority may release a permit for the land development project, provided all other legal requirements for the issuance of such permit have been met.
- (6) Notwithstanding the issuance of the permit, in conducting the land development project, the applicant or other responsible person shall be subject to the following requirements:
 - a. The applicant shall comply with all applicable requirements of the approved plan and this Section and shall certify that all land clearing, construction, land development, and drainage will be done according to the approved plan;
 - b. The land development project shall be conducted only within the area specified in the approved plan;
 - c. The Authority shall have the right to conduct periodic inspections of the project;
 - d. No changes may be made to an approved plan without review and written approval by the Authority; and
 - e. Upon completion of the project, the applicant or other responsible person shall submit the engineer's report and certificate and as-built plans required by 1104 (o)(3).

1104 (l) Stormwater management application review fees.

The fee for review of any stormwater management application shall be based on the fee structure established by the Authority and shall be paid prior to the issuance of any building permit for the development by the appropriate governmental entity.

1104 (m) Modifications for off-site stormwater management facilities.

- (1) The stormwater management plan for each land development project shall provide for stormwater management measures located on the site of the project, unless provisions are made to manage stormwater by an off-site or regional facility. The off-site or regional facility must be located on property legally dedicated for the purpose, must be designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices, and there must be a legally-obligated entity responsible for long-term operation and maintenance of the off-site or regional stormwater facility. In addition, on-site measures shall be implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site facility.

- (2) A stormwater management plan must be submitted to the Authority that shows the adequacy of the off-site or regional facility.
- (3) To be eligible for a modification, the applicant must demonstrate to the satisfaction of the Authority that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:
 - a. Increased threat of flood damage to public health, life, and property;
 - b. Deterioration of existing culverts, bridges, dams, and other structures;
 - c. Accelerated stream bank or streambed erosion or siltation;
 - d. Degradation of in-stream biological functions or habitat; or
 - e. Water quality impairment in violation of State water quality standards, and/or violation of any State or Federal regulations.

1104 (n) Post-development stormwater management performance criteria.

The following performance criteria shall be applicable to all stormwater management plans, unless otherwise provided for in this Section:

- (1) Water quality.

All stormwater runoff generated from a site shall be adequately treated before discharge. It will be presumed that a stormwater management system complies with this requirement if:

 - a. It is sized to treat the prescribed water quality treatment volume from the site, as defined in the Georgia Stormwater Management Manual;
 - b. Appropriate structural stormwater controls or nonstructural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the Georgia Stormwater Management Manual; and,
 - c. Runoff from hotspot land uses and activities identified by the Authority are adequately treated and addressed through the use of appropriate structural stormwater controls, nonstructural practices, and pollution prevention practices.
- (2) Stream channel protection.

Protection of stream channels from bank and bed erosion and degradation shall be provided by using all of the following three approaches:

 - a. Preservation, restoration, and/or reforestation (with native vegetation) of the applicable stream buffer;
 - b. 24-hour extended detention storage of the 1-year, 24-hour return frequency storm event;
 - c. Erosion prevention measures, such as energy dissipation and velocity control.
- (3) Overbank flooding protection.

Downstream overbank flood and property protection shall be provided by controlling (attenuating) the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour return frequency storm event. If control of the 1-year, 24-hour storm under

Paragraph B, above, is exempted, then peak discharge rate attenuation of the 2-year through the 25-year return frequency storm event must be provided.

(4) Extreme flooding protection.

Extreme flood and public safety protection shall be provided by controlling and safely conveying the 100-year, 24-hour return frequency storm event such that flooding is not exacerbated.

(5) Structural stormwater controls.

All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the Georgia Stormwater Management Manual. All structural stormwater controls must be designed appropriately to meet their intended function. For other structural stormwater controls not included in the Georgia Stormwater Management Manual, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from the Authority before being included in the design of a stormwater management system. In addition, if hydrologic or topographic conditions, or land use activities warrant greater control than that provided by the minimum control requirements, the Authority may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of stormwater runoff or increased nonpoint source pollution loads created on the site in question.

Applicants shall consult the Georgia Stormwater Management Manual for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

(6) Stormwater credits for nonstructural measures.

The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under Sec. 1104 (n)(1), above. If approved by the Authority, the applicant may take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, there is a minimum set of criteria and requirements that identify the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the Georgia Stormwater Management Manual.

(7) Drainage system guidelines.

Stormwater conveyance facilities, which may include, but are not limited to, culverts, stormwater drainage pipes, catch basins, drop inlets, junctions boxes, headwalls, gutter, swales, channels, ditches, and energy dissipaters shall be provided when necessary for the protection of public right-of-way and private properties adjoining project sites and/or public right-of-ways. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, shall meet the following requirements:

- a. Methods to calculate stormwater flows shall be in accordance with the Georgia Stormwater Management Manual and the Authority's Design and Construction Standards;

- b. All culverts, pipe systems, and open channel flow systems shall be sized in accordance with the stormwater management plan using the methods included in the Georgia Stormwater Management Manual and the Authority's Design and Construction Standards; and,
 - c. Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the Georgia Stormwater Management Manual and the Authority's Design and Construction Standards.
- (8) Dam design guidelines.
- Any land disturbing activity that involves a site that proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety, as applicable.

1104 (o) Construction inspections of post-development stormwater management system.

- (1) Inspections to ensure plan compliance during construction.
 - a. Periodic inspections of the stormwater management system construction shall be conducted by the staff of the Authority or conducted and certified by a professional engineer who has been approved by the Authority. Construction inspections shall utilize the approved stormwater management plan for establishing compliance.
 - b. All inspections shall be documented with written reports that contain the following information:
 - 1. The date and location of the inspection;
 - 2. Whether construction is in compliance with the approved stormwater management plan;
 - 3. Variations from the approved construction specifications; and,
 - 4. Any other variations or violations of the conditions of the approved stormwater management plan.
- (2) If any violations are found, the applicant shall be notified in writing of the nature of the violation and the required corrective actions.
- (3) Final inspection and as-built plans.

Upon completion of a project, and before a certificate of occupancy shall be granted, the applicant is responsible for certifying that the completed project is in accordance with the approved stormwater management plan. All applicants are required to submit actual "as-built" plans for any stormwater management facilities or practices after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and practices and must be certified by a Professional Engineer. A final inspection by the Authority is required before the release of any performance securities can occur.

1104 (p) Long-term maintenance inspection of stormwater facilities and practices.

- (1) Stormwater management facilities and practices included in a stormwater management plan must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the plan and this Section.
- (2) A stormwater management facility or practice shall be inspected on a periodic basis by the responsible person. In the event that the stormwater management facility has not been

maintained and/or becomes a danger to public safety or public health, the Authority shall notify the person responsible for carrying out the maintenance plan by registered or certified mail to the person specified in the inspection and maintenance agreement. The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. If the responsible person fails or refuses to meet the requirements of the plan and the ongoing inspection and maintenance requirements set forth in this Section, the Authority may correct the violation as provided in Sec. 1104 (s), below.

- (3) Inspection programs by the Authority may be established on any reasonable basis, including, but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater management facilities; and evaluating the condition of stormwater management facilities and practices.

1104 (q) Right-of-entry for inspection.

Pursuant to Sec. 1104 (h)(3)j, above, the Authority shall have the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when the Authority has a reasonable basis to believe that a violation of this Section is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this Section.

1104 (r) Records of maintenance activities.

Parties responsible for the operation and maintenance of a stormwater management facility shall provide records of all maintenance and repairs to the Authority upon request.

1104 (s) Failure to maintain stormwater management facilities.

If a responsible person fails or refuses to meet the maintenance requirements of the plan or this Section, the Authority, after 30 days written notice (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. The Authority may assess the owner(s) of the facility for the cost of repair work which shall be a lien on the property, and may be added to the water bill of the served property and/or all properties draining to the stormwater management structure on a pro-rata basis, and/or placed on the ad valorem tax bill for each such property and collected in the ordinary manner for such taxes.

1104 (t) Stormwater management; violations, enforcement, and penalties.

Any action or inaction which violates the provisions of this Section or the requirements of an approved stormwater management plan or permit may be subject to the enforcement actions outlined in this Section. Any such action or inaction that is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

- (1) Notice of violation.

If the Authority determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan, or the provisions of this Section, the Authority shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this Section without having first secured a permit therefore, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The notice of violation shall contain:

- a. The name and address of the owner or the applicant or the responsible person;
- b. The address or other description of the site upon which the violation is occurring;
- c. A statement specifying the nature of the violation;
- d. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan, or this Section and the date for the completion of such remedial action;
- e. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,
- f. A statement that the determination of violation may be appealed to the Authority by filing a written notice of appeal within thirty (30) days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient).

(2) Penalties.

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Authority shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Authority may take any one or more of the following actions or impose any one or more of the following penalties.

a. Stop work order.

The Authority may issue a stop work order that shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.

b. Termination of water service and/or request to withhold certificate of occupancy.

The Authority may terminate water service and/or request that the City refuse to issue a certificate of occupancy for the building or other improvements constructed or being

constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

c. Suspension, revocation, or modification of permit.

The Authority may suspend, revoke, or modify the permit authorizing the land development project. A suspended, revoked, or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated [upon such conditions as the Authority may deem necessary] to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

d. Civil penalties.

In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the Authority shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) after the Authority has taken one or more of the actions described above, the Authority may impose a penalty not to exceed \$1,000 (depending upon the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

e. Criminal penalties.

For intentional and flagrant violations of this Section, the Authority may issue a citation to the applicant or other responsible person, requiring such person to appear in the Magistrate Court of Douglas County, or any other court of competent jurisdiction to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Sec. 1105 - Floodplain management regulations.

Article IX, Section II of the Constitution of the State of Georgia and Section 36-1-20 (a) of the Official Code of Georgia Annotated have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. There, Douglas County, Georgia, does ordain this ordinance and establishes this set of floodplain management and flood hazard reduction policies for the purpose of regulating the use of flood hazard areas. It is determined that the regulation of flood hazard areas and the prevention of flood damage are in the public interest and will minimize threats to public health and safety, as well as to private and public property.

1105 (a) Floodplain management regulations; purpose and policy.

The purpose of the floodplain management regulations set forth in this Section is to protect, maintain, and enhance the public health, safety, environment, and general welfare and to minimize public and private losses due to flood conditions in flood hazard areas, as well as to protect the beneficial uses of

floodplain areas for water quality protection, stream bank and stream corridor protection, wetlands preservation, and ecological and environmental protection by provisions designed to:

- (1) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (2) Restrict or prohibit uses which are dangerous to health, safety, and property due to flooding or erosion hazards, or which increase flood heights, velocities, or erosion;
- (3) Control filling, grading, dredging, and other development that may increase flood damage or erosion;
- (4) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
- (5) Limit the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters; and,
- (6) Protect the stormwater management, water quality, stream bank protection, stream corridor protection, wetland preservation, and ecological functions of natural floodplain areas.

1105 (b) Definitions related to floodplain management.

The following definitions shall apply to Section 9 of these Rules and Regulations:

Addition (to an existing building): Any walled or roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by an independent perimeter load-bearing wall shall be considered New Construction.

Adjacent to the Floodplain: All land within a development that would flood if the one hundred-year (100-year) flood elevation increase by ten (10) feet.

Appeal: A request for a review of the Authority's Engineering Department's interpretation of any provision of this ordinance.

Area of Shallow Flooding: A designated AO or AH Zone on the applicable local Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard: The land in the floodplain subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, Areas of Special Flood Hazard shall be those designated by the local community and referenced in Section 1105(e). This includes all floodplain and flood prone areas at or below the base flood elevation (including A, A1-30, A-99, AE, AO, AH and AR on the FHB or the FIRM) and all floodplain and flood prone areas at or below the future-conditions flood elevation. All streams with a drainage area of one hundred (100) acres or greater shall have the area of Special Flood Hazard delineated.

Authority: The Douglasville-Douglas County Water and Sewer Authority and/or its authorized agents or representatives.

Base Flood: The flood having a 1% or greater chance of being equaled or exceeded in any given year (i.e., the "100-year flood").

Base Flood Elevation: The highest water surface elevation anticipated at any given point during the base flood.

Basement: That portion of a building having its floor subgrade (below ground level) on at least one side.

Building: See "Structure."

County: Unincorporated Douglas County, Georgia and/or its governing authority or authorized agents or representatives.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, clearing, grubbing, grading, paving, any other installation of impervious cover, excavation or drilling operations or storage of equipment or materials.

Elevated Building: A non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

Existing Construction: Any structure for which the "start of construction" commenced before February 3, 1987 for structures within unincorporated Douglas County.

Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before January 1, 1980, for structures within unincorporated Douglas County.

Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

Fair Market Value: The pre-flood market value as determined by an independent property appraisal by a licensed/certified appraiser or the recorded property value assessed by the Douglas County Tax Assessor.

FEMA: The Federal Emergency Management Agency.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM): An official map of a community, issued by the Federal Insurance Administration, where the boundaries of area of special flood hazard have been defined as Zone A.

Flood Insurance Rate Map (FIRM): An official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

Flood Insurance Study (FIS): The official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

Floodplain: Any land area susceptible to flooding.

Floodway or Regulatory Floodway: The channel of a stream or other watercourse and the adjacent areas of the floodplain which is necessary to contain and discharge the base flood flow without cumulatively increasing the base flood elevation more than one foot.

Floodproofing: Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Functionally Dependent Use: A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water.

Future-Conditions Flood: The flood having a one percent (1%) chance of being equaled or exceeded in any given year based on future-conditions hydrology. Also known as the 100 year Future-Conditions Flood.

Future-Conditions Floodplain: Any land area susceptible to flooding by the future-conditions flood.

Future-Conditions Flood Elevation: The flood standard equal to or higher than the Base Flood Elevation. The Future-Conditions Flood Elevation is defined as the highest water surface at any given point during the Future-Conditions Flood.

Future-Conditions Hydrology: The flood discharge associated with projected land-use conditions based on zoning maps and future land use maps without consideration of projected future construction of flood detention structures or projected future hydraulic modifications within a stream or waterway, such as a bridge and culvert construction, fill and excavation.

Highest Adjacent Grade: The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

Historic Structure: Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior;
or

- (4) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Land Development Activities: Those actions or activities that comprise, facilitate or result in developments.

Land Development Project: A discrete land development undertaking.

Lowest Floor: The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this code.

Manufactured Home: A building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term includes any structure commonly referred to as a "mobile home" regardless of the date of the manufacture. The term also includes parked trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive date or longer and intended to be improved property.

May: A regulation or requirement that is permissive.

Mean Sea Level: The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Code, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1988.

National Geodetic Vertical Datum (NGVD): As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

New Construction: Means any "structure" for which the "start of construction" commenced after February 3, 1987, for structures within unincorporated Douglas County and includes any subsequent improvements to the structure.

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after January 1, 1980, for structures within unincorporated Douglas County.

North American Vertical Datum (DAVD) of 1988: A vertical control used as a reference for establishing varying elevations within the floodplain.

Ordinance: Refers to this Ordinance, means Article 11 of the Unified Development Code regarding Floodplain Management and any applicable provisions set forth in the Authority's Design and Construction Standards.

Owner: The legal or beneficial owner of a site, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

Permit: The land development permit issued by the County and released by the Authority to the applicant, which is required for undertaking any land development activity.

Recreational Vehicle: A vehicle that is:

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by light duty truck and,
- (4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.

Regulatory Floodplain: The future-conditions one hundred-year (100-year) floodplain where available. Where the future-conditions base floodplain has not been determined, the regulatory floodplain means the existing one hundred-year (100-year) base floodplain.

Repetitive Loss: Flood-related damages sustained by a structure on two separate occasions during a ten-year (10-year) period for which the cost of repairs at the time of each such flood event, on the average equals or exceeds twenty-five percent (25%) of the market value of the structure before the damages occurred.

Section: When referring to this Section, includes all provisions set forth in Chapter 9 of the Authority's Rules and Regulations and all applicable provisions of the Authority's Design and Construction Standards adopted in conjunction herewith.

Shall: The regulation or requirement is mandatory.

Site: The parcel of land being developed or the portion thereof on which the land development project is located.

Start of Construction: The date the permit was issued, provided the actual start of construction, repair, reconstruction or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of the structure, such as pouring of slabs or footing, installation of pipes, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structures, such as garages or shed not occupied as dwelling units or part of the main structure. (Note: Accessory structures are not exempt from any requirement of this Section.) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: A walled and roofed building that is principally above ground, a manufactured home, or a gas or liquid storage tank.

Subdivision: The division of a tract or parcel of land resulting in one or more new lots or building sites for the purposed, whether immediately or in the future, of sale, other transfer of ownership, or land

development, and includes division of land resulting from or made in connection with the layout of development of a new street or roadway or a change in an existing street or roadway.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Damage could be from a single event or cumulative damage for a period not to exceed ten (10) years.

Substantial Improvement: Any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a ten-year (10-year) period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure prior to the improvement. The market value of the building means (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures that have incurred "substantial damage" regardless of the actual amount of repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include those improvements of a building required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified by the Authority or any County Code Enforcement official, and not solely triggered by an improvement or repair project.

Substantially Improved Existing Manufactured Home Park or Subdivision: is where the repair, reconstruction, rehabilitation, or improvement of the streets, utilities, and pads equals or exceeds 50% of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.

Variance: A grant of relief from the requirements of this Article, which permits construction in a manner otherwise prohibited by this Article.

Variance Board: The Appeal Panel designated by the Authority, which shall include the Executive Director, the Chief Financial Officer of the Authority and Authority Counsel, or their designees, which shall hear and decide appeals and requests for variances from the requirements of this Article.

Violation: The failure of a structure or other development to be fully compliant with the floodplain management regulations. A structure or other development without a required elevation certificate, other certificates, or other evidence of compliance required in this Section 1105, is presumed to be a violation until such time as that documentation is provided.

1105 (c) Floodplain management regulations; applicability.

This Section shall be applicable to all Areas of Special Flood Hazard within Douglas County, i.e. floodplain and flood prone areas as defined herein at or below the base flood elevation or the regulatory flood elevation (including A, AO, AH, AE, A1-30, or A-99 on the FIRM), and all new or substantial improvement residential units, all subdivisions, non-residential structures, manufactured home, recreational vehicles, and utilities located within these areas. In addition, all streams within a drainage area of 100 acres or more have an area of special flood hazard.

1105 (d) Designation of administrator.

The Authority's Engineering Department is hereby appointed to administer, implement and enforce the provision of this Section.

1105 (e) Basis for area of special flood hazard; flood area maps and studies.

For the purposes of this Section, the following are adopted by reference:

- (1) The Flood Insurance Study (FIS) for Douglas County, Georgia, dated August 18, 2009, as amended, with accompanying maps and other supporting data and any revision thereto. For those land areas acquired through annexation, the current effective FIS and data for unincorporated Douglas County are hereby adopted by reference.
- (2) Other studies which may be relied upon for the establishment of the base flood elevation of delineation of the one hundred-year (100-year) floodplain include:
 - a. Any flood or flood-related study conducted by the United States Corps of Engineers or the United States Geological Survey applicable to Douglas County, Georgia; or
 - b. Any base flood study authored by a registered professional engineer in the State of Georgia that has been approved by the Authority and Douglas County, Georgia, as applicable.
- (3) Other studies that may be relied upon for the establishment of the regulatory flood elevation or delineation of the regulatory floodplain include:
 - a. Any flood or flood-related study conducted by the United States Corps of Engineers or the United States Geological Survey applicable to Douglas County, Georgia; or
 - b. Any future-conditions flood study using FEMA approved methods authored by a registered professional engineer in the State of Georgia that has been approved by the Authority and Douglas County, Georgia, as applicable.
- (4) The repository for public inspection of the flood studies, accompanying maps and other supporting data is located in the Development Control Department of Douglas County.

1105 (f) Compatibility with other regulations.

The regulations set forth in this Section are not intended to modify or repeal any other ordinance, rule, regulation, resolution, statute, easement, covenant, deed restriction, or other provision of law. The requirements of this Section are in addition to the requirements of any other ordinance, rule, regulation, resolution, or other provision of law, and where any provision of this Section imposes restrictions different from those imposed by any other ordinance, rule, regulation, resolution, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

1105 (g) Severability.

If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph subdivision or clause of this ordinance.

1105 (h) Warning and disclaimer of liability.

The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur, and flood

heights may be increased by manmade or natural causes. This Section does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create any liability on the part of the Authority or any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made hereunder.

1105 (i) Permit application requirements.

- (1) No owner or developer shall perform any land development activities on a site where an area of special flood hazard is located, without first meeting the requirements of this Section prior to commencing the proposed activity.
- (2) Unless specifically excluded by this Section, any owner or developer desiring a permit for a land development activity shall submit a permit application to the Authority on a form provided by the Authority for that purpose.
- (3) No permit will be approved for any land development activities that do not meet the requirements, restrictions, and criteria of this Section.

1105 (j) Floodplain management plan requirements.

- (1) No application for a development project within any area of special flood hazard established in Section 1105(e) will be approved unless it includes a floodplain management/flood damage prevention plan. This plan shall be in accordance with the criteria established in this Section.
- (2) The floodplain management/flood damage prevention plan must be submitted with the stamp and signature of a Professional Engineer (PE) licensed in the state of Georgia, who will verify that all designs are consistent with the requirements of this Section.
- (3) The approved floodplain management/flood damage prevention plan shall contain certification by the applicant that all land development activities will be done according to the plan or previously approved revisions. Any and all land development permits and/or use and occupancy certificates or permits may be revoked and water service may be terminated by the Authority at any time if the construction and building activities are not in strict accordance with approved plans.
- (4) The floodplain management/flood damage prevention plan shall include, but not be limited to, the following: plans drawn to scale of the site in question and the nature, location, and dimensions of existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage and stormwater management facilities. Specifically, the following information is required:
 - a. Site plan, including but not limited to:
 1. For all proposed structures in the base floodplain or future-conditions floodplain, spot ground elevations at building corners and twenty-foot (20-foot) or smaller intervals along the foundation footprint, or one foot contour elevations throughout the building site;
 2. Proposed placement of earthen fill, amount and location of excavations, and storage of materials and equipment;
 3. Proposed locations of water supply, sanitary sewer and utilities;

4. Proposed locations of drainage and stormwater management facilities;
 5. Proposed grading plan;
 6. Base flood elevations or future-conditions flood elevations;
 7. Boundaries of the base flood floodplain or future-conditions flood floodplain;
 8. If applicable, the location of the floodway; and,
 9. Certification of the above by a registered professional engineer or surveyor.
- b. Building and foundation design detail, including but not limited to:
1. Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
 2. Elevation in relation to mean sea level to which any non-residential structure will be floodproofed;
 3. Certification that any proposed non-residential floodproofed structure meets the criteria in Section 1105(s)(2);
 4. For enclosures below the base flood elevation, location and total net area of foundation openings as required in Article 11, Section 1105(s)(6) of the Unified Development Code; and,
 5. Design plans certified by a registered professional engineer or architect for all proposed structures.
- c. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed land development project;
- d. All appropriate certifications required under this Section;
- e. Hard copies and digital files of computer models, if any, copies of work maps, comparison of pre- and post-development condition base flood elevations, future-conditions flood elevations, flood protection elevations, areas of special flood hazard and regulatory floodway widths, flood profiles and all other computations and other relevant information; and
- f. Copies of all applicable State and Federal permits necessary for the proposed development.

1105 (k) Construction stage submittal requirements.

- (1) For all new construction and substantial improvements on sites with a floodplain management/flood damage prevention plan, the permit holder shall provide the County Floodplain Administrator a certified as-built Elevation Certificate or Floodproofing Certificate for non-residential construction, including the lowest floor elevation or flood-proofing level, immediately after the lowest floor or flood-proofing is completed. A Final Elevation Certificate shall be provided after completion of construction, including final grading of the site. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

- (2) Any work undertaken prior to approval of these certifications shall be at the permit holder's risk. The County Floodplain Administrator shall review the above-referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit certificates or failure to make the corrections required hereby shall be cause to issue a stop-work order for the project and/or withhold the Certificate of Occupancy.

1105 (l) Duties and responsibilities of the authority.

Duties of the Authority shall include, but shall not be limited to:

- (1) Review of all land development applications and permits to assure that the requirements of this Section have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding;
- (2) Require that copies of all necessary permits from governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334, be provided and maintained on file;
- (3) When Base Flood Elevation data or floodway data have not been provided, then the Authority shall require the applicant to obtain, review, and reasonably utilize any base flood elevation and floodway data available from federal, state, or other sources in order to meet the provisions of this Section;
- (4) Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures;
- (5) Record the actual elevation, in relation to mean sea level, to which any new and substantially improved structures have been flood-proofed;
- (6) When flood-proofing is utilized for a non-residential structure, the Authority shall obtain certification of design criteria from a registered professional engineer or architect;
- (7) Notify affected adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
- (8) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions), the Authority shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Section. Where floodplain elevations have been defined, the floodplain shall be determined based on flood elevations rather than the area graphically delineated on the floodplain maps; and,
- (9) All records pertaining to the provisions of this Section shall be maintained in the office of the Authority and shall be open for public inspection.

1105 (m) Definition of floodplain boundaries.

- (1) Studied "A" zones, as identified in the FIS, shall be used to establish base flood elevations whenever available.

- (2) For all streams with a drainage area of one hundred (100) acres or greater, the future-conditions flood elevations shall be provided by the Authority. If future-conditions elevation data is not available from the Authority, then it shall be determined by a professional engineer using methods approved by FEMA and the Authority, the cost of which shall be paid by the applicant.

1105 (n) Definition of floodway boundaries.

The width of a floodway shall be determined from the FIS or FEMA approved flood study. For all streams with a drainage are of one hundred (100) acres or greater, the regulatory floodway shall be provided by the Authority. If floodway data is not available from the Authority, then it shall be determined by a professional engineer using methods approved by FEMA and the Authority, the cost of which shall be paid by the applicant.

1105 (o) General standards for land development.

- (1) No development shall be allowed with the future-conditions floodplain that could result in any of the following:
 - a. Raising the base flood elevation or future-conditions flood elevation equal to more than 0.01 foot;
 - b. Reducing the regulatory flood storage capacity - All compensation for storage capacity shall occur between the average ground water table elevation or future-conditions flood elevation and lie either within the boundaries of ownership of the property being developed, and shall be within the immediate vicinity of the location of the encroachment. Acceptable means of providing required compensation include: lowering of natural ground elevations within the floodplain; or lowering of adjoining land areas to create additional floodplain storage. All cut areas are to be graded to a slope of no less than three percent (3.0 %). In no case shall any required compensation be provided via bottom storage or by excavating below the elevation of the top of the natural (pre-development) stream channel unless such excavation results from the widening or relocation of the stream channel. A step-backwater analysis will be required to determine the volume of flood storage created by raising the regulatory flood elevation;
 - c. Changing the flow characteristics as to the depth and velocity of the waters of the base flood or future-conditions flood as they pass both the upstream and the downstream boundaries of the property. Verification shall be provided via a step-backwater analysis; or
 - d. Creating hazardous or erosion-producing velocities, or resulting in excessive sedimentation. In all cases, effective transitions must be provided such that flow velocities occurring on both upstream and downstream properties are not increased or decreased.
- (2) All proposed public utilities and facilities, such as sewer, gas, electrical, and water system, shall be located and constructed to minimize flood damage.
- (3) Any significant physical changes to the regulatory floodplain or any significant changes or revisions to the flood data adopted herein and shown on the FIRM shall be submitted as a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. The CLOMR submittal shall be subject to approval by the Authority and the County using the Community Consent forms before forwarding the submittal package to FEMA for final approval. The responsibility for forwarding the CLOMR to FEMA and for obtaining the CLOMR approval shall be the responsibility of the applicant. Within six (6) months of the

completion of construction, the applicant shall submit as-built surveys that demonstrate general conformance to the approved designs as submitted in the CLOMR application. A Letter of Map Revision (LOMR) or Letter of Map Amendment (LOMA) must be issued before the Final Plat can be approved or a Certificate of Occupancy can be issued. Significant changes or revisions shall be defined as any change to the FIRM easily observed when plotted at a scale of one (1) inch equals one thousand (1,000) feet. The changes or revisions may be due to, but are not limited to, more current and/or superior topographic information or compensatory cut and fill grading done as a part of the development.

1105 (p) Engineering study requirements for floodplain encroachments.

An engineering study is required, as appropriate to the proposed development activities on the site, whenever a development proposes to disturb the base floodplain or future-conditions floodplain. This study shall be prepared by a currently registered Professional Engineer in the State of Georgia and made a part of the application for a permit. This information shall be submitted to and approved by the Authority prior to the approval of any permit that would authorize the disturbance of land located within the floodplain. Such study shall include:

- (1) Description of the extent to which any watercourse or floodplain will be altered or relocated as a result of the proposed development;
- (2) Step-backwater analysis, using a FEMA approved methodology approved by the Authority. Cross-sections (which may be supplemented by the applicant) and flow information will be obtained whenever available. Computations will be shown duplicating FIS results and will then be rerun with the proposed modifications to determine the new base flood and regulatory flood profiles;
- (3) Floodplain storage calculations based on cross-sections (at least one (1) every one hundred (100) feet) showing existing and proposed floodplain conditions to show that regulatory floodplain storage capacity would not be diminished by the development;
- (4) If changes to the regulatory flood elevation are proposed, profiles of the channel showing the existing and proposed regulatory flood elevations must be provided; and,
- (5) The study shall include a preliminary plat, grading plan, or site plan, as appropriate, which shall clearly define all floodplain encroachments.

1105 (q) Floodway encroachments.

Located within Areas of Special Flood Hazard are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris, or erosion potential. In addition, floodways must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

- (1) Encroachments are prohibited, including earthen fill, new construction, substantial improvements, or other development within the regulatory floodway, except when required for the construction of bridges, culverts, roadways, and utilities, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase to the pre-project base flood elevations, floodway elevations, or floodway widths during the regulatory or base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof; and,

- (2) If the applicant proposes to revise the floodway boundaries, no permit authorizing the encroachment into or an alteration of the floodway shall be issued by the Authority until an affirmative Conditional Letter of Map Revision (CLOMR) is issued by FEMA and a no-rise certificate is approved by the Authority.

1105 (r) Maintenance requirements.

The property owner shall be responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on his property so that the flood-carrying or flood storage capacity is not diminished. The Authority may direct the property owner (at no cost to the Authority) to restore the flood-carrying or flood storage capacity of the floodplain if the owner has not performed maintenance as required by the approved floodplain management plan on file with the Authority.

1105 (s) General standards for flood hazard reduction.

In all Areas of Special Flood Hazard, the following provisions apply:

- (1) New construction of residential buildings, including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain;
- (2) New construction of non-residential structures shall not be allowed within the future-conditions floodplain unless all requirements of Article 11, Section 1105(j), (k), (o), (p) and (q) are met;
- (3) New construction or substantial improvements of existing structures shall be anchored to prevent flotation, collapse, or lateral movement of the structure;
- (4) New construction or substantial improvement of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
- (5) New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
- (6) Enclosures.

All substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished and flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.

- a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 1. Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 2. The bottom of all openings shall be no higher than one (1) foot above grade; and,
 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwater in both directions.
- b. So as not to violate the "Lowest Floor" criteria of this Section, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of

maintenance equipment used in connection with the premises, or entry to the elevated area; and,

- c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (7) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher, so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (8) Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces;
- (9) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (10) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;
- (11) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and,
- (12) Any alteration, repair, reconstruction, or improvement to a structure that is not compliant with the provisions of this Section, shall be undertaken only if the nonconformity is not furthered, extended, or replaced.
- (13) If the proposed development has multiple flood zones or multiple base flood elevations, the higher or more restrictive base flood elevation or future-conditions elevation and development standards shall take precedence.

1105 (t) Building standards for structures and buildings within the floodplain.

- (1) Residential buildings.
 - a. New construction.

New construction of residential buildings, including manufactured homes, shall not be allowed within the limits of the base floodplain or future-condition floodplain.
 - b. Substantial improvements.

Substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is highest. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Section 1105(s)(6) "Enclosures."
- (2) Nonresidential buildings.
 - a. New construction.

New construction of principal buildings shall not be allowed within the limits of the future-conditions floodplain unless all requirements of Article 11, Section 1105(j), (k), (o), (p) and (q) have been met. New construction that has met these requirements may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one (1) foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capacity of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the designs and methods of construction are in accordance with accepted standards of practice for meeting the provisions above and shall provide such certifications to the Authority.

b. Substantial improvements.

Substantial improvement of any principal non-residential structure located in A1-30, AE, or AH zones may be authorized by the Authority to be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one (1) foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is highest, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered Professional Engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Authority.

(3) Accessory structures and facilities.

Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, parking lots, recreational facilities, and other similar structures and facilities) which are permitted to be located within the limits of the floodplain shall be constructed of flood-resistant materials and designed and constructed to pass all floodwater in a manner consistent with Section 1105 (s) (6) and be anchored to prevent flotation, collapse or lateral movement of the structure.

(4) Standards for recreational vehicles.

All recreational vehicles placed on sites must either:

- a. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additional); or
- b. The recreational vehicle must meet all the requirements for "Residential Buildings - Substantial Improvements," including the anchoring and elevation requirements above.

(5) Standards for manufactured homes.

- a. New construction or development that involves the placed of manufactured homes within the limits of the base floodplain or future-conditions floodplain shall not be allowed.
- b. Manufactured homes placed and/or substantially improved within an existing manufactured home park or subdivision shall be floodproofed as follows:

1. The manufactured home shall be elevated such that the lowest floor is elevated no lower than three (3) feet above the base flood elevation or one (1) foot above the future-conditions floodplain, whichever is higher; and
2. The manufactured home must be securely anchored to an adequate foundation system to resist foundation collapse and lateral movement in accordance with Article 11, section 1105(s)(8).
3. The manufactured home chassis must be elevated no less than thirty-six (36) inches in height above grade and supported by reinforced piers.

1105 (u) Building standards for structures and buildings authorized adjacent to the floodplain.

All buildings shall comply with the County's building codes, in addition to the following:

(1) Residential buildings.

No new residential structures may be constructed within the base floodplain or the future-conditions floodplain. For new construction adjacent to the base floodplain or future-conditions floodplain or substantial improvement to any existing residential building or manufactured home within a floodplain, the elevation of the lowest floor, including basement and access to the building, shall be at least three (3) feet above the level of the highest base flood (one hundred-year (100-year)) elevation or one (1) foot above the future-conditions flood elevation, whichever is higher.

(2) Nonresidential buildings.

For new construction or substantial improvement of any principal non-residential building, the elevation of the lowest floor, including the basement and access to the building, shall be at least one (1) foot above the level of the base flood (one hundred-year (100-year)) elevation or at least as high as the future-conditions flood elevation, whichever is highest.

1105 (v) Building standards for streams without established base flood elevations and/or floodway (A-Zones).

For a residential single-lot development not part of a subdivision that has Areas of Special Flood Hazard, where streams exist but no base flood data have been provided (A-Zones), the Authority shall review and reasonably utilize any available scientific or historic flood elevation data, base flood elevation and floodway data or future-conditions flood elevation data available from a Federal, State, local or other source, in order to administer the provisions and standards of this ordinance.

If data are not available from any of these sources, the following provisions shall apply:

- (1) No encroachments, including structures or fill material, shall be located within an area equal to twice the width of the stream or fifty (50) feet from the top of the bank of the stream, whichever is greater.
- (2) In special flood hazard areas without base flood or future-conditions flood elevations data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with Article 11, Section 1105(s)(6).

- (3) For new homes constructed upstream of and adjacent to a new or existing roadway crossing of a stream where the roadway forms a sag vertical curve, the lowest floor of the lowest enclosed area (including basement) shall be elevated no less than three (3) feet above the top of the roadway or curb, whichever is higher, measured at the low point of the curve.

1105 (w) Building standards for X Zone areas.

- (1) Located outside of A Zones and AE Zones, X Zones include the following:
 - a. Areas outside the one hundred-year (100-year) floodplain but within the five hundred-year (500-year) floodplain as determined by a detailed study (spotted X Zones).
 - b. Areas outside the five hundred-year (500-year) floodplain as determined by a detailed study.
 - c. Areas that have not yet been studied.
- (2) The Authority reserves the right to require further studies for any development within an X Zone, if there is evidence that a potential flood hazard exists. Such evidence may include but shall not be limited to:
 - a. Eyewitness reports of historic flooding or other reports of historic flooding deemed credible by the Authority.
 - b. Geologic features observed that resemble floodplains (such as flat areas along streams).
 - c. Proximity to man-made or natural constrictions such as road crossings that can cause backwater effects.
 - d. Drainage basin characteristics such as drainage area, slope, percent impervious cover, land use, etc.
- (3) For new homes constructed adjacent to a new or existing roadway crossing of a stream where the roadway forms a sag vertical curve, the lowest floor of the lowest enclosed area (including basement) shall be elevated no less than three (3) feet above the top of the roadway or curb, whichever is higher, measured at the low point of the curve.

1105 (x) Building standards for Areas of Shallow Flooding (AO-Zones).

Areas of Special Flood Hazard may include designated "AO" shallow flood areas. These areas have base flood depths of one to three feet above ground, with no clearly defined channel. In these areas, the following provisions apply:

- (1) All substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the flood depth number specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards for "Elevated Buildings."

The applicant's or owner's engineer shall certify to the Authority that the lowest floor elevation level is at least three (3) feet above the highest adjacent grade and the record shall become a permanent part of the permit file.

- (2) Substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus one (1) foot above the highest adjacent grade, with wall substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice; and
- (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

1105 (y) Standards for subdivisions.

- (1) All subdivision proposals shall identify the special flood hazard area and provide base flood and regulatory flood elevation data.
- (2) All residential lots in a subdivision shall have sufficient buildable area outside of the base floodplain or future-condition floodplain such that encroachments into the floodplain for residential structures will not be required.
- (3) All subdivision plans will provide the elevation of proposed structure(s) and pad(s) in accordance with Section 1105(j).
- (4) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (5) All subdivision proposals shall have public utilities and facilities, such as sanitary sewer, gas, electrical, and water systems located and constructed to minimize or eliminate infiltration of flood waters and discharges from the systems into flood waters.
- (6) All subdivision proposals shall have adequate drainage and stormwater management facilities per the requirements of the Authority and Douglas County to reduce exposure to flood hazards.

1105 (z) Standards for utilities.

- (1) All new and replacement water supply and sanitary sewerage systems shall be designed to minimize or eliminate:
 - a. Infiltration of flood waters into the systems; and,
 - b. Discharges from the systems into flood waters.
- (2) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

1105 (aa) Repetitive loss structures/substantial damage.

- (1) Repetitive loss structures

The County Floodplain Administrator may declare any structure as a repetitive loss structure as required to qualify the structure for increased cost of compliance benefits allowed in the National Flood Insurance Program. To be declared a repetitive loss structure, the following conditions must be true:

- a. The structure must have a flood insurance policy that includes increased cost of compliance coverage; and,

- b. The structure must have been flooded at least twice during a ten-year (10-year) period which ends on the date of the second flood with each flood event causing damage for which the repair cost equaled or exceeded twenty-five (25) percent of the market value of the structure; and,
- c. The cost to repair the flood damage, on average, equaled or exceeded twenty-five (25) percent of the fair market value of the structure at the time of each flood eve, and;
- d. The owner, or representative, shall request the declaration in writing and provide supporting documentation to show that the above requirements have been met.

(2) Substantial damage

The County Floodplain Administrator may declare any damaged structure to have "Substantial Damage" as required to qualify the structure for increased cost of compliance benefits allowed in the National Flood Insurance Program. To be declared as having substantial damage, the structure must have qualified damage as follows:

- a. Single event damage of any origin such that the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty (50) percent of the fair market value of the structure at the time it received damage.
- b. Cumulative damage of any origin over a period of time not to exceed 10 year such that the cumulative cost of repairs equals or exceed fifty (50) percent of the current fair market value of the structure.

1105 (bb) Variance procedures.

The following variance and appeals procedures shall apply to an applicant who has been denied a permit for a development or to an owner or developer who has not applied for a permit because it is clear that the proposed development activity would be inconsistent with the provisions of this Article. A request for a variance may be submitted by an applicant who has been denied a permit by the Authority or by an owner or developer who has not been previously applied for a permit stated above.

- (1) Requests for variances from the requirements of this Article shall be submitted to the Authority. All such requests shall be heard and decided in accordance with procedures established by the Authority. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.
- (2) The Variance Board as established by the Authority shall hear and decide requests for appeals or variance from the requirements of this Section.
- (3) The Variance Board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Engineering Department in the enforcement or administration of this Section.
- (4) Any person aggrieved by the decision of the Variance Board may, after exhausting all administrative remedies, appeal such decision to the Superior Court of Douglas County, as provided by state law.
- (5) Variances may be issued for the repair and rehabilitation of Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an Historic Structure, and the variance is the minimum to preserve the historic character and design of the structure.

- (6) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria in this Section are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- (7) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (8) In reviewing such requests, the Variance Board shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this Section.
- (9) Conditions for floodplain variances.
A floodplain variance shall be issued only when there is:
 - a. A finding of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship; and,
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, or cause fraud on or victimization of the public.
- (10) The provisions of this Section are minimum standards for flood loss reduction, therefore any deviation from the standards must be weighed carefully. Floodplain variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of an Historic Structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
- (11) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.
- (12) The Authority shall maintain the records of all appeal actions and report any floodplain variances to the Federal Emergency Management Agency upon request.
- (13) Any person requesting a variance shall, from the time of the request until the time the request is acted upon, submit such information and documentation as the Authority and the Variance Board shall deem necessary to the consideration of the request.
- (14) Upon consideration of the factors listed above and the purposes of this Section, the Authority and the Variance Board may attach such conditions to the granting of variances as it deems necessary or appropriate, consistent with the purposes of this Section.

1105 (cc) Violations, enforcement, and penalties.

Any action or inaction which violates the provisions of this Section or the requirements of an approved stormwater management plan or permit may be subject to the enforcement actions outlined in this Section. Any such action or inaction that is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

- (1) Notice of Violation.

If the Authority determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this Section, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this Section without having first secured a permit therefore, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The notice of violation shall contain:

- a. The name and address of the owner or the applicant or the responsible person;
- b. The address or other description of the site upon which the violation is occurring;
- c. A statement specifying the nature of the violation;
- d. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan, or this Section and the date for the completion of such remedial action;
- e. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,
- f. A statement that the determination of violation may be appealed to the Authority by filing a written notice of appeal within 30 days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient).

(2) Penalties.

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Authority shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than 10 days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Authority may take any one or more of the following actions or impose any one or more of the following penalties:

a. Stop-work order.

The Authority may issue a stop-work order, which shall be served on the applicant or other responsible person. The stop-work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop-work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.

b. Termination of water service and/or request to withhold certificate of occupancy.

The Authority may terminate water service and/or request that the County refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

c. Suspension, revocation, or modification of permit.

The Authority may suspend, revoke, or modify the permit authorizing the land development project. A suspended, revoked, or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the Authority may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

d. Civil penalties.

In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within 10 days, or such greater period as the Authority shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) after the Authority has taken one or more of the actions described above, the Authority may impose a penalty not to exceed \$1,000 (depending upon the severity of the violation) for each day the violation remains unremitted after receipt of the notice of violation.

e. Criminal penalties.

For intentional and flagrant violations of this Section, the Authority may issue a citation to the applicant or other responsible person, requiring such person to appear in the magistrate or other court of competent jurisdiction to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(3) Administrative appeal; judicial review.

- a. Administrative remedies. Any person receiving a notice of violation may appeal the determination of the Authority, including but not limited to the issuance of a stop work order, the assessment of an administratively-imposed monetary penalty, the suspension, revocation, modification or grant with condition of a permit by the Authority upon finding that the holder is not in compliance with the approved erosion and sediment control plan, or that the holder is in violation of permit conditions, or that the holder is in violation of any applicable ordinance or any of the Authority's Rules and Regulations or Design and Construction Standards, or the issuance of a notice of bond forfeiture. The notice of appeal must be in writing and must be received within thirty (30) days from the date of the notice of violation. A hearing on the appeal shall take place within fifteen (15) days from the date of the receipt of the notice of appeal by the Executive Director. All appeals shall be heard and decided by the Authority's designated Appeal Panel, which shall include the Executive Director, the Chief Financial Officer of the Authority, and Deputy Director of Operations, or

their designees. The Appeal Panel shall have the power to affirm, modify or reject the original penalty, including the right to increase or decrease the amount of any monetary penalty and the right to add to or delete remedial actions required for correction of the violation and the compliance with the Authority's Rules and Regulations, Design and Construction Standards, and any other applicable local, state or federal requirements. The decision of the Appeal Panel shall be final.

- b. Judicial review. Any person aggrieved by a decision or order of the Authority, after exhausting his administrative remedies, shall have the right to appeal to the Superior Court of Douglas County by petition for writ of certiorari, which must be filed within thirty (30) days of the final decision of the Appeal Panel.

Article 12. - Procedures and Permits

Sec. 1201 - Purpose of Article 12.

This Article describes the processes through which the development of property may be authorized. The Article provides the procedures and requirements for obtaining approval for the rezoning of property, obtaining a special use permit, amending the Future Land Use Map of the Comprehensive Development Plan, creating new parcels of land through the subdivision process, as well as obtaining land disturbance permits for developing land.

Sec. 1202 – Overview of the Review Process as identified in the Zoning Procedures Law (ZPL) OCGA 36-66-.

1202 (a) Zoning Decisions that are Legislative

- (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 of property
- (5) The grant or denial of a variance or conditions concurrent and in conjunction with a decision pursuant to items 3 or 4 of this paragraph

1202 (b) Zoning Decisions that are Quasi-Judicial

- (1) Rendering decisions on applications for hardship variances
- (2) Rendering decisions on applications for special exception variances
- (3) Hearing Appeals of administrative decisions by such officers, boards or agencies as may be appointed by the Board of Commissioners to oversee elements of the development review process
- (4) Other permits not enumerated in 1202 (a) above but are specified in O.C.G.A. Sec. 36-66-3(1.1) as zoning decisions.

Sec. 1203 - Overview—land development.

The following presents a summary of the plans and procedures involved in the land development approval and construction regulation process. In all cases, consult the specific requirements and procedures detailed under the various Divisions of this Article.

1203 (a) Zoning changes (rezoning or Special Use approval).

- (1) If the property is not appropriately zoned, a request for rezoning or approval of a Special Use must be approved prior to development or construction. A zoning change for a subdivision, multi-family or nonresidential project must include a concept plan showing the proposed layout of the project.

(2) If the property owner desires to rezone their property to a zoning district that is not appropriate to the Comprehensive Plan Future Land Use Map character area (see the Comprehensive Development Plan for guidelines on which zone districts are most appropriate for each described Character Area), a Future Land Use Plan Map amendment (FLUM) must first be approved before the rezoning application can proceed.

1203 (b) Major subdivisions.

Permitting and construction of a major subdivision will be conducted as follows:

- (1) Preliminary Plat Approval is granted by the Development Review Committee upon review and approval of a Preliminary Subdivision Plat by the Development Review Committee and the Board of Commissioners.
- (2) A Development Permit is issued by the Development Services Department based on review and approval by all affected departments and agencies of development plans for construction of the subdivision.
- (3) Receipt and approval by the Plans Review Coordinator of accurate surveys of the as-built condition of public improvements is required in order to allow filing of a Final Plat.
- (4) Subject to all dedications of land to the public shown on the Final Plat being approved by the applicable County Departments or agencies, approval of a Final Subdivision Plat by the Development Review Committee (DRC), Development Services Director and the Chairman of the Board of Commissioners, who will authorize recordation of the plat and deeds with the Clerk of the Superior Court.
- (5) After recordation of the Dedication Deeds and Final Plat, the lots may be sold, and building permits and driveway permits on the lots may be obtained.
- (6) At the end of the maintenance period, all public improvements will be inspected by the County. After the developer has made any required repairs, public acceptance of the improvements into perpetual maintenance shall be issued by the Development Services Department.

1203 (c) Minor subdivisions.

Approval of a minor subdivision shall be conducted as follows:

- (1) Approval of a Final Minor Subdivision Plat by the Development Review Committee will authorize the Final Plat to be approved by the Development Services Director and the Chairman of the Board of Commissioners, if required.
- (2) Approval of a final Minor Subdivision Plat by the Development Services Director and the Chairman of the Board of Commissioners will authorize recordation of the plat with the Clerk of the Superior Court.
- (3) After recordation of the Final Plat, and acceptance of any required Dedication Deeds, the lots may be sold, and building permits and driveway permits on the lots may be obtained.

1203 (d) Multi-family and nonresidential projects.

- (1) Project Approval is granted by the Development Review Committee upon review and approval of a Site Plan for the project.

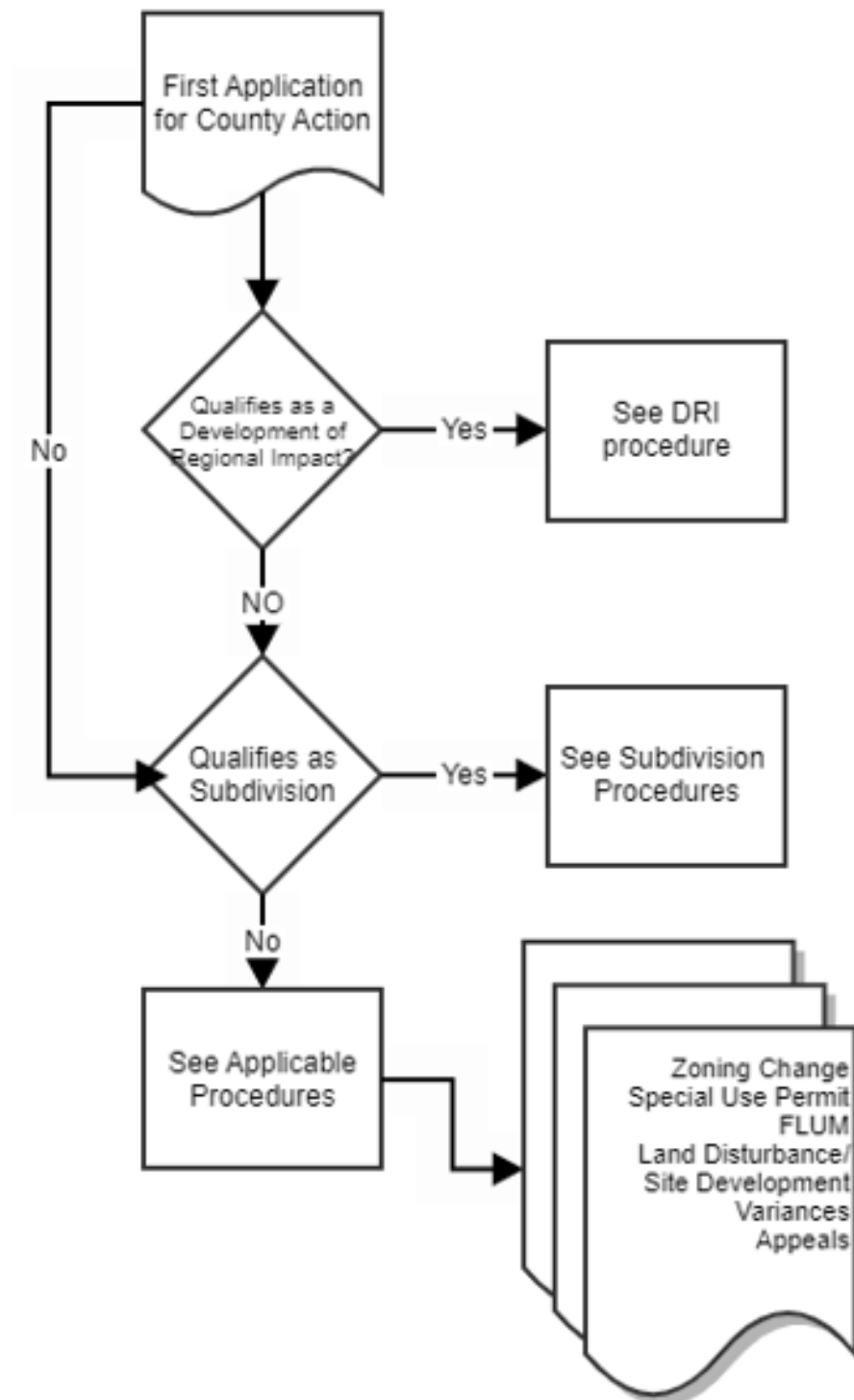
- (2) A Development Permit is issued by the Development Services Department based on review and approval by all affected departments and agencies of development plans for construction of the project.
- (3) When a proposed zoning decision is not initiated by a property owner or his agent and relates to 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, so as 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 manner specified in O.C.G.A. Sec. 36-66-4(h).
- (4) A Building Permit is issued by the Chief Building Official based on review and approval of architectural plans. Buildings falling under the authority of the State Fire Marshall shall be approved by the Fire Marshall prior to issuance of the building permit.
- (5) Driveway and sign permits are issued by the Development Services Department.
- (6) Receipt by the Development Review Coordinator of accurate surveys of the as-built condition of all public improvements is required in order to authorize issuance of a Certificate of Occupancy.
- (7) Permanent electric power and occupancy of the building is authorized by the Chief Building Official based on final inspection and issuance of a Certificate of Occupancy.

Sec. 1204 - Application intake.

An application for any permit or approval under this Article or for a variance or special exception under the Appeals Article of this Code will first be considered as follows:

- (1) If the application is for a project that qualifies as a Development of Regional Impact (DRI), and is the first request for County action or is a revision to a previous DRI, refer to Division VI of this Article for details and procedures.
- (2) If the application is for approval of a minor subdivision plat, refer to Section 1220 (c) for the required procedures.
- (3) If the application is for any other type of approval or permit, refer to the appropriate sections of this Article or the Appeals Article for procedures pertinent to the request.

Application Intake Process

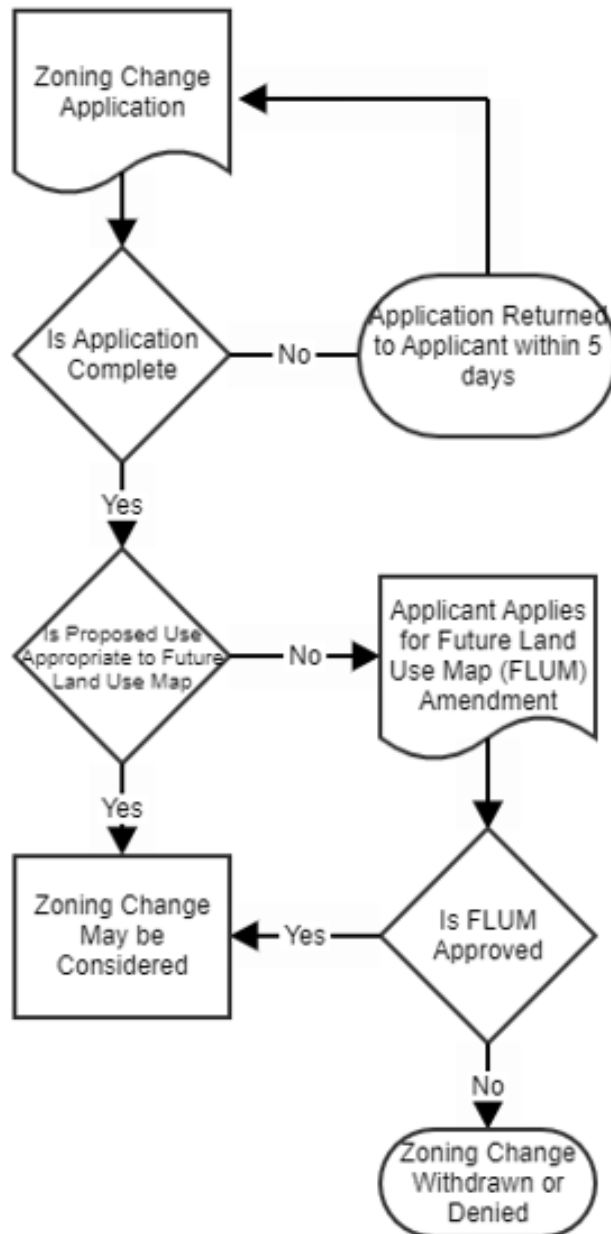


DIVISION I. - APPROVAL OF A ZONING CHANGE.

An application for a zoning change (i.e., a rezoning or Special Use approval) affecting any property or properties may be initiated by the Board of Commissioners, the Planning & Zoning Board, the Development Services Director, or by the owner of the property. The approval, withdrawal or denial of a zoning change shall be in accordance with the provisions of this Division.

Sec. 1205 - Comprehensive Plan consistency.

In order to be approved, a zoning change should be appropriate to the Character Area designated by the Comprehensive Plan Future Land Use Map (FLUM) of Douglas County, Georgia, as adopted and may be amended. When circumstances have modified the area in a manner not anticipated by the FLUM such that a proposed zoning change may not be specifically appropriate for the future land use plan map Character Area category identified, the application for the zoning change may include application for an amendment to the Comprehensive Plan Future Land Use Map which should be approved under the procedures and requirements of Division II of this Article prior to the rezoning request. If the Future Land Use Map amendment is denied, the application for a zoning change shall be withdrawn or denied.

Sec. 1206 - Applications for a zoning change.**1206 (a) Zoning change applications; receipt and acceptance.****Zoning Change Application Acceptance**

- (1) Whenever a zoning change is initiated by a person or persons other than the Development Services Director, Planning & Zoning Board, or Board of Commissioners, the following requirements shall be met. Prior to processing any such application, the applicant shall be

required to file the necessary documentation and follow certain procedures as set forth in this Division.

- (2) An application for a zoning change shall be made in writing to the Development Services Department on forms provided by the Department. Each application shall include the signatures of the applicant and property owner upon the application.
- (3) No application will be considered to have been made until such form(s) as described in subsection (2) have been completed and submitted to the Development Services Department with the application fees as established by the Board of Commissioners and supporting materials as required under this Division.
- (4) Applications shall include any request for information deemed necessary by the Development Services Director to enable a complete review of the request.
- (5) Any communication relative to an application for a zoning change will be regarded as informational only until a proper and complete application is accepted by the Development Services Director. The Development Services Director shall review the transmittal for completeness within 5 workdays following the submission deadline. Incomplete or improper applications will be returned to the applicant.
- (6) The Development Services Director shall review a complete application to verify the appropriateness of the rezoning request against the Comprehensive Plan Future Land Use Map Character Area category or categories applicable to the property within 10 working days following the submission deadline.
 - a. Applications deemed inappropriate shall be temporarily suspended from further review and the applicant shall be notified upon such a finding.
 - b. The applicant may apply for a Land Use Plan Map amendment under the provisions of Division II of this Article or withdraw the application pursuant to Sec. 1213.

1206 (b) Application contents.

An application for a zoning change is to be submitted in one signed original copy and in a number of copies as established by the Development Services Director. The application must include the following:

- (1) Properly executed application form supplied by the Development Services Director, including the owner's signature or authorization.
- (2) The location of the subject property, including street number, if any;
- (3) Legal description of the property by metes and bounds description and boundary survey of the property prepared by a registered land surveyor.
- (4) Existing zoning district classification of the property, and the proposed zoning district or Special Use.
- (5) The Comprehensive Plan Future Land Use Map category in which the property is located. If more than one category applies, the areas in each category are to be illustrated on a map.
- (6) A detailed description of existing land uses on adjacent and surrounding property;
- (7) The area of land proposed to be rezoned, stated in square feet if less than one acre and in acres if one acre or more;

- (8) Impact analysis, as described under Subsection 1206 (c) of this Section.
- (9) Concept plan, as described under Subsection 1206 (d) of this Section.
- (10) Other required information under Subsection 1206 (e) of this Section.
- (11) Statement of political contributions by the applicant and the applicant's attorney as required by the Georgia Conflict of Interest in Zoning Act (O.C.G.A. 36-67A).
- (12) The application number, date of application and action taken on all prior applications filed for rezoning of all or part of the subject property;
- (13) Copy of warranty deed; and
- (14) Proof that property taxes for the parcel(s) in question have been paid.

1206 (c) Impact analysis.

- (1) If the zoning change has been initiated by an owner or their representative, the application must be accompanied by a written, documented analysis of the proposed zoning change with regard to each of the standards governing consideration, which for rezoning are enumerated under Section 1207 (a) and for Special Use approval are enumerated under Section 1207 (b).
- (2) For proposed developments with 100,000 square feet of nonresidential floor area or 50 dwelling units, or more, a traffic study as defined in Article 15 and a hydrology study, prepared by professional engineers registered in Georgia under the direction of the County at the applicant's expense, must be submitted along with the application for a zoning change.
- (3) For proposed developments with less than 100,000 square feet of nonresidential floor area or 50 dwelling units, a traffic study and a hydrology study, prepared by professional engineers registered in Georgia under the direction of the County at the applicant's expense, shall not be required unless expressly requested by the Development Services Director.
- (4) A traffic study, a hydrology study and other studies of the impact of the proposed development may be required by the Development Services Department, Planning & Zoning Board or the Board of Commissioners as deemed necessary for adequate consideration and a fully-informed decision on the proposed zoning change. Should such studies be required, the studies shall be prepared under the direction of the County at the applicant's expense.

1206 (d) Concept plan.

- (1) An application for a rezoning or Special Use shall be accompanied by a concept plan if any new construction or alteration of the site is proposed.
- (2) A concept plan may be prepared by a professional engineer, a registered land surveyor, a landscape architect, a land planner or any other person familiar with land development activities.
- (3) The concept plan shall be drawn on a boundary survey of the property. The boundary survey shall have been prepared by a Georgia registered land surveyor and meet the requirements of the State of Georgia for such a map or plat under O.C.G.A. 15-6-67(b).
- (4) The concept plan shall show the following:
 - a. Zoning district classification of the subject property and all adjacent properties, and zoning district boundaries if they cross the property.

- b. Man-made features within and adjacent to the property, including existing and future right-of-way of streets, pavement width and street names; political boundary lines; and other significant information such as location of bridges, utility lines, existing buildings to remain, and other features as appropriate to the nature of the request.
 - c. Natural features, such as the 100-year flood plain, and protected wetlands and stream buffers required under the Buffers, Landscaping and Tree Conservation Article of this Ordinance.
 - d. Proposed use of the property.
 - e. The proposed project layout including:
 - 1. For residential subdivisions, and office or industrial parks, approximate lot lines and street right-of-way lines, along with the front building setback line on each lot.
 - 2. For multi-family and nonresidential development projects, the approximate outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, dumpsters, zoning buffers, parking areas, loading stations, zoning buffers, stormwater detention facilities, and driveways, entrances and exits.
- (5) The concept plan shall also indicate:
- a. Name and address of the property owner.
 - b. Name, address, and telephone number of the applicant (if different than the owner).
 - c. Date of concept plan drawing, and revision dates, as appropriate.
 - d. Location (Land District, Land Section and Land Lot) and size of the property in acres (or in square feet if less than an acre).
 - e. Location sketch of the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets or railroads. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than 1 inch equal to 2,000 feet. US. Geological Survey maps may be used as a reference guide for the location concept.
 - f. A statement as to the source of domestic water supply.
 - g. A statement as to the provision for sanitary sewage disposal.
 - h. The approximate location of proposed storm water detention facilities.
 - i. Such additional information as may be useful to permit an understanding of the proposed use and development of the property.

1206 (e) Other required information.

The following information must be included (except under Section 1206 (e)(2), below):

- (1) A description of the extent to which the property value of the subject property is diminished by the existing zoning district classification;
 - a. The existing value of the property contained in the petition for rezoning under the existing zoning classification;

- b. The value of the property contained in the application for rezoning under the proposed zoning classification or the alternate language described in (2) below. Failure to document the valuation may prevent any constitutional claims being made against adverse zoning decisions;
 - c. A description of any existing use of the property, including a description of all structures presently occupying the property;
 - d. The length of time the property has been vacant or unused as currently zoned; and
 - e. A detailed description of all efforts taken by the property owners to use the property or sell the property under the existing zoning classification.
- (2) As an alternative, the applicant may submit the following stipulation, knowingly and willingly executed before any notary of the state:

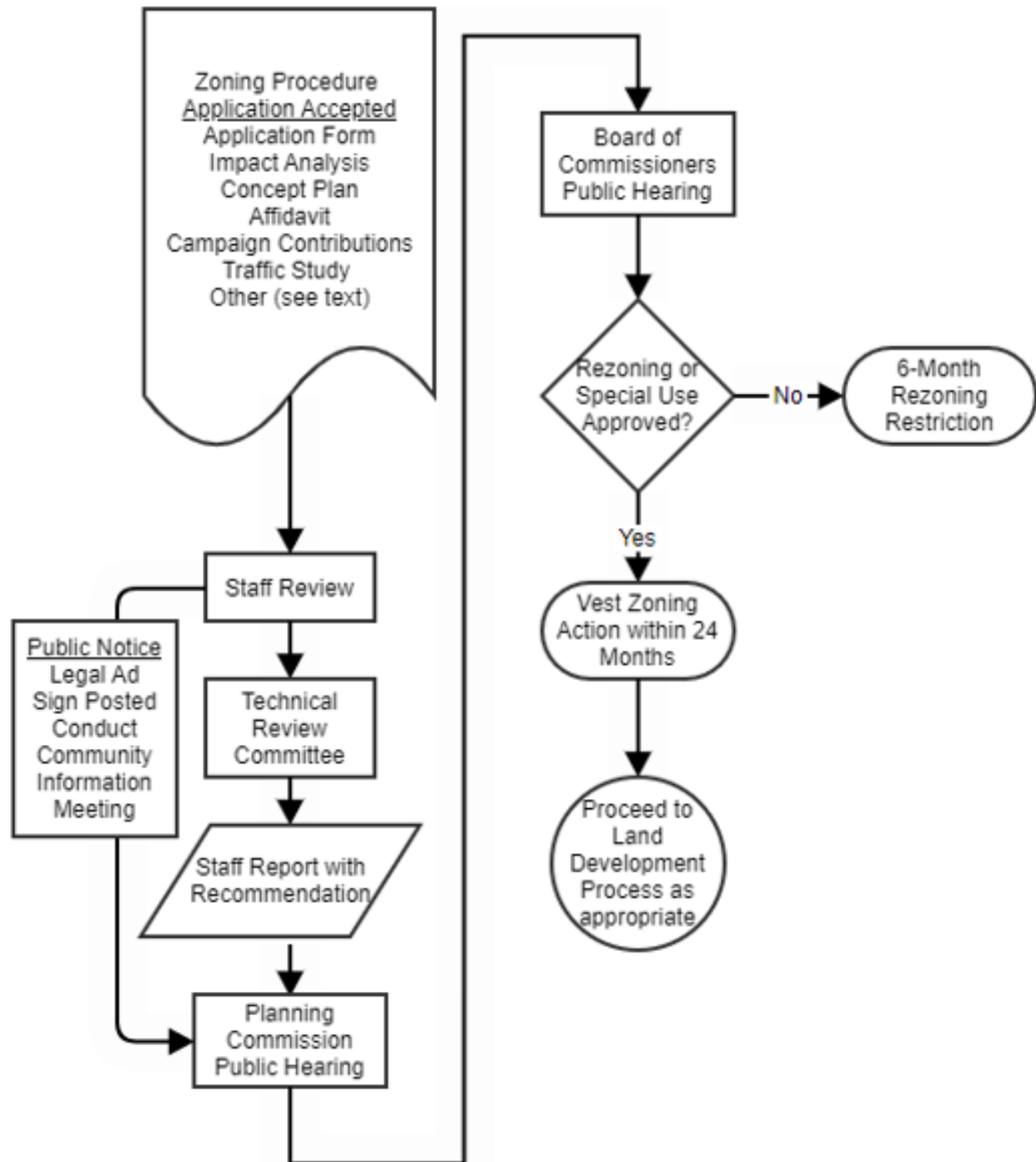
"I do not regard the application information requested under Section 1206 (e)(1) of the Douglas County Unified Development Code, as necessary or relevant to the Board of Commissioners in its consideration of my petition for a zoning change. I stipulate that such information shall not be relevant to the Board of Commissioners in its deliberations or to any court in its review of the decision on my petition."

1206 (f) Processing of zoning change applications by staff.

- (1) Following receipt and acceptance of a complete application for a zoning change pursuant to Section 1206 (a), the Development Services Director shall send a list of the applications to each member of the county commission and the Planning & Zoning Board. Each list will include the name of the applicant, property owner, leaseholder (if applicable), street address, and land lot section and parcel number. Following receipt thereof and prior to the first public hearing, the individual officials shall file such conflict of interest disclosures as may be required by O.C.G.A. 36-67A.
- (2) The application materials will be distributed by the Development Services Department to each of the County departments and other agencies that are members of the Technical Review Committee. Analyses and comments as appropriate will be returned to the Development Services Department for inclusion in the staff recommendation.

Zoning Change Process

Rezoning or Special Use Application
Submitted by Owner or Agent



(3) Staff recommendation.

The Development Services Department shall prepare, with the assistance of the Technical Review Committee departments and agencies, a written recommendation and zoning analysis that may include, but need not be limited to, the following:

- a. Estimated number of persons to be utilizing or living in the subdivision or development.
- b. Estimated increase in school enrollment.
- c. Estimated increase in volume of traffic and anticipated access to site and routes of travel to and from site.
- d. Estimated increase in commercial business in the immediate area resulting from the increased population.
- e. Effect on law enforcement.
- f. Effect on the environment surrounding the area to be rezoning including the effect on all natural and historic resources.
- g. Anticipated problems or complications with water, sewerage, other utilities, transportation system and other infrastructure, and recreational facilities.
- h. Impact on fire protection.
- i. Physical characteristics of the site.
- j. Impact on stormwater runoff and erosion.
- k. Adjacent and nearby zoning and land use.
- l. In addition, staff will view the application in light of the standards under Sec. 1207 pertinent to a rezoning or special use request, as applicable to the application.
- m. Finally, the staff will provide a recommendation for decision consisting of either approval, approval with conditions or modifications, tabling, continuance, denial, or no recommendation.

(4) Prior to the public hearings to be held on the application by the Planning & Zoning Board and the Board of Commissioners, notice shall be given by the Development Services Department in accordance with Section 1209 (a).

Sec. 1207 - Standards governing consideration of a zoning change.

1207 (a) Standards for rezoning consideration.

All amendments to the zoning map shall be viewed in light of the following standards used to interpret the balance between an individual's unrestricted right to the use of his or her property and the public health, safety, morality, or general welfare of the community. These standards shall be printed and copies thereof shall be available for distribution to the general public at all zoning hearings. Emphasis may be placed on those criteria most applicable to the specific use proposed:

- (1) Is the proposed use consistent with the stated purpose of the zoning district that is being requested?

- (2) Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?
- (3) Will the proposed use not adversely affect the existing use, value or usability of adjacent or nearby property?
- (4) Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?
- (5) Are there substantial reasons why the property cannot or should not be used as currently zoned?
- (6) Will the proposed use not cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?
- (7) Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?
- (8) Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

1207 (b) Standards for special use consideration.

A Special Use otherwise permitted within a zoning district shall be considered to be compatible with other uses permitted in the district, provided that due consideration is given to the following objective criteria. ¹ These standards shall be printed and copies thereof shall be available for distribution to the general public at all special use permit hearings. Emphasis may be placed on those criteria most applicable to the specific use proposed:

- (1) Will the proposed Special Use be consistent with the stated purpose of the zoning district in which it will be located?
- (2) Will the establishment of the Special Use impede the normal and orderly development of surrounding property for uses predominate in the area?
- (3) Is the location and character of the proposed Special Use consistent with a desirable pattern of development for the locality in general?
- (4) Is or will the type of street providing access to the use be adequate to serve the proposed Special Use?
- (5) Is or will access into and out of the property be adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles?
- (6) Are or will public facilities such as schools, water or sewer utilities, and police or fire protection be adequate to serve the Special Use?
- (7) Are or will refuse, service, parking and loading areas on the property be located or screened to protect other properties in the area from such adverse effects as noise, light, glare or odor?
- (8) Will the hours and manner of operation of the Special Use have no adverse effects on other properties in the area?
- (9) Will the height, size or location of the buildings or other structures on the property be compatible with the height, size or location of buildings or other structures on neighboring properties?

1207 (c) Considerations in approval or denial of a telecommunications tower special use permit.

The governing authority shall consider, but is not limited to, the following factors in action upon a Telecommunications Tower Special Use Permit under the provisions of this code:

- (1) The height and setbacks of the proposed tower.
- (2) The proximity of the tower to residential structures and residential district boundaries.
- (3) The nature of uses, as well as the height of existing structures, on adjacent and nearby properties.
- (4) The surrounding topography.
- (5) The surrounding tree coverage and foliage.
- (6) The design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- (7) The proposed ingress and egress.
- (8) The availability of suitable existing towers or other structures for antenna co-location.
- (9) The impact of the proposed tower upon scenic views and the visual quality of the surrounding area.
- (10) The evidence submitted regarding the need for the tower in the area, including but not limited to propagation maps and other similar materials.
- (11) The portion of the tower that will be visible from adjacent and nearby residential properties.
- (12) The number of required trips to the tower site on a monthly basis.
- (13) The tower's effect on property values of adjacent and nearby residential properties.
- (14) The ratio of the height of the proposed tower to the height of the tallest adjacent and nearby structure.
- (15) Safety concerns associated with the proposed tower or antenna.
- (16) The tower's effect upon potential purchasers of adjacent and nearby residentially-zoned property.
- (17) The coverage or lack of coverage experienced by cell phone users in the area of the proposed tower.

Sec. 1208 - Taking action on a zoning change.

1208 (a) Planning & Zoning Board.

- (1) The Planning & Zoning Board shall hold a public hearing on each application for rezoning or Special Use in accordance with a schedule adopted by the Board of Commissioners. Such meeting shall be presided over by the chairman of the Planning & Zoning Board or in the chairman's absence a designated member of the Planning & Zoning Board. A staff report on each application shall be submitted to and considered by the Planning & Zoning Board at the public hearing. The Planning & Zoning Board shall investigate each of the criteria set forth in Sec. 1207 of this Article, as appropriate to the request.

- (2) The Planning & Zoning Board shall make a recommendation to the Board of Commissioners for approval, approval with conditions or modifications, tabling, continuance, denial, or no recommendation.
- (3) Written minutes of the Planning & Zoning Boards meeting shall be prepared and approved and maintained as a record in the Development Services Department. All documents shall thereafter become public record.

1208 (b) Board of Commissioners.

- (1) The Board of Commissioners shall take action on an application for a zoning change after the receipt of the staff report, the applicant's report and the Planning & Zoning Board recommendation.
- (2) So that the purpose of this Development Code will be served and the health, safety, convenience, prosperity, or general welfare is secured, the Board of Commissioners may approve or deny the application, reduce the land area for which the application is made, change the zoning classification, district, or category requested, add or delete conditions of the application, including but not limited to site specific conditions, or allow an application to be withdrawn without prejudice with respect to the 6 month limitation of this article. An action by the Board to defer, table, or continue the application shall include a statement of the date and time of the next meeting at which the application will be considered, which statement shall constitute public notice of the hearing on the application and no further notice except posting is required.
- (3) The decision by the Board of Commissioners on an application for a zoning change shall be based on, but not limited to, a consideration of the standards set forth in Sec. 1207 of this Article, as appropriate to the request.

Sec. 1209 - Public information and hearings.

This Section includes requirements for public hearings, meetings, notice, and access to records. All hearings, meetings, notice and records relative to these regulations shall follow the procedures established in this Section.

1209 (a) Notice.

- (1) Zoning changes initiated by County.
Notice of any public hearing for a zoning change initiated by the County shall be published in a newspaper of general circulation in Douglas County at least 15 days, but not more than 45 days, prior thereto. Such notice shall state the time, place and purpose of the hearing. The notice may appear as a legal advertisement in said newspaper.
- (2) Zoning changes initiated by property owner or agent acting on behalf.
 - a. Notice of any public hearing for a zoning change initiated by the property owner, or agent on behalf of the owner, shall be published in a newspaper of general circulation in Douglas County at least 15 days, but not more than 45 days, prior thereto. Such notice shall state the time, place and purpose of the hearing, the location of the property, the present zoning classification and the proposed zoning classification or Special Use approval requested. The notice may appear as a legal advertisement in said newspaper.

- b. Where proper notice is given in accordance with these regulations, and in conformity with the Georgia Open Meetings Law, notice by mail has been provided to adjacent and adjoining property owners by regular mail as shown by county tax records, and a sign has been posted in accordance with these regulations, no further notice to the property owner or adjacent or nearby property owners is required. Failure to provide notice as required by these regulations shall be grounds for the final action on a proposed amendment to be declared null and void. It is the responsibility of the applicant for the zoning change to satisfy himself prior to the public hearing that proper notice requirements have been met.
- c. Appearance at the public hearing shall constitute a waiver of all claims based upon improper publication of notice or posting on the property.
- d. Posting of signs.
 - 1. A sign (to be furnished by the Development Services Department), placed every 300 feet of property frontage, containing the same information as required in the published notice, shall be posted by the owner or agent upon the property not less than 15 days prior to the date of the hearing. The sign shall contain letters large enough to be read from the street; whenever the property fronts on more than one street, signs shall be posted on all street frontages according to the distance requirements above.
 - 2. The property owner or agent on behalf shall remove any and all rezoning signs from the subject property within 3 business days after the date of final action by the Board of Commissioners on the proposed zoning change.

(3) Quasi-judicial zoning decisions

Notice of any public hearing for quasi-judicial zoning decisions shall be published in a newspaper of general circulation in Douglas County at least 30 days prior thereto. Such notice shall state the time, place and purpose of the hearing. Additionally, notice is to be mailed to the owner of the property that is the subject of the proposed action.

1209 (b) Public information.

Copies of the proposed zoning change, including the application, supporting documents and plats, the recommendations of the Development Services Director, minutes of the Planning & Zoning Board, and the standards set forth in Section 1207 of this Article, governing the exercise of zoning decision and quasi-judicial decision-making authority shall be maintained by the Development Services Director and available for public inspection and copying.

1209 (c) Community Information Meeting

At the discretion of the Director of Development Services and subsequent to the posting and sending of notice but preceding the official Public Hearing, at a time and place to be designated by the Director of Development Services, a community information meeting may be held to provide the public an opportunity to seek information on each application and review the information submitted to the County by each applicant and be made aware of the applicant's contact information. The purpose of this meeting is informational, and this is not a substitute for the public hearing before the Zoning Board and Board of Commissioners.

1209 (d) Public hearings.

All hearings, both regular and special, at which an application for a zoning decision or quasi-judicial zoning decision is to be discussed, considered, or acted upon by the Planning & Zoning Board or the Board of Commissioners, shall be open to the public. Notice of special meetings shall be given in accordance with the Georgia Open Meetings Law.

- (1) A public hearing shall be held by the Planning & Zoning Board and the Board of Commissioners shall hold a hearing as a condition precedent to final action by the Board of Commissioners on a zoning change.
- (2) A public hearing is called to order by the Chairman or Vice Chairman of the Board of Commissioners or by the Chairman or Vice Chairman of the Planning & Zoning Board, as appropriate. The Chairman of the Board of Commissioners or the Chairman of the Planning & Zoning Board, as appropriate, will explain the procedures of the meeting and instruct the Development Services Director to call each case for a public hearing. The Development Services Department staff shall make a short presentation outlining the request and staff recommendation. At both the Planning & Zoning Board and the Board of Commissioners public hearing, the applicant for the zoning change shall be afforded a reasonable opportunity to explain why the zoning change is being sought; thereafter, all interested persons shall be afforded a reasonable opportunity to speak either for or against the application. For each application, the applicant and proponents of the application shall have no less than 10 minutes for the presentation of data, opinions and evidence at the public hearing, and opponents of the application shall likewise have a minimum of 10 minutes for presentation. Speakers shall be limited to a reasonable time, irrelevant or repetitious comments shall be avoided, and decorum shall be maintained. After hearing the staff recommendation and considering all public comments the Planning & Zoning Board shall reach a recommendation on each application to be provided to the Board of Commissioners. After receiving a report from the Development Services Department or the Planning & Zoning Board recommendation, considering all public comments and due deliberation by the Board of Commissioners, the Board will then render a decision on the application.

1209 (e) Attendance required.

The applicant or representative of the applicant shall attend all public hearings on the application. Although the Board of Commissioners may take final action on an application in the absence of the applicant or the applicant's representative based on the standards contained under Sec. 1207, the failure to attend may result in a tabling of the application or continuance of the hearing at the Board's sole discretion. The Development Services Director may waive the attendance requirement for Special Use approvals based upon extenuating hardship. The Department may act as agent on behalf of the owner/applicant with written authorization and waiver of liability from the owner/applicant under specific hardship circumstances with the caveat that any questions staff is not able to address may result in the request being tabled for consideration at a hearing the owner/applicant is able to attend.

Sec. 1210 - Conditional zoning.

Each zoning district established in Article 2 of this Development Code shall have a sub-classification there under known as "conditional" for that classification. All zoning changes annotated with a suffix "C" after the district designation (i.e. C-N-C) denote that the parcel is zoned "conditional" under a previous zoning change approval. Such conditions shall remain in effect, and copies of such conditional

regulations may be obtained from the Development Services Director. Likewise, conditions may be attached to a Special Use at the time of its approval by the Board of Commissioners.

- (1) An application to alter conditions of zoning or Special Use approval shall be submitted through the Development Services Department and Planning & Zoning Board to the Board of Commissioners for public hearing. The application shall be processed in accordance with all provisions applicable to approval of a zoning change under this Article.
- (2) Except as specifically modified by this Section, an application for a conditional zoning change shall be treated as a new application and shall be subject to the requirements and procedures of this Article.
- (3) An applicant may apply for a conditional zoning change and so state on the application. The conditional zoning application may be based on written conditions contained within the application and the subsequent zoning approval, or it may be based on a site plan.
- (4) The Planning & Zoning Board, after the required public hearing, may recommend approval of the conditional application as submitted, may recommend denial of the application, or may recommend a change in the conditions, as deemed appropriate pursuant to the standards contained under Sec. 1207.
- (5) The Board of Commissioners, after the required public hearing, may approve the conditional application as submitted, may deny the application as deemed appropriate, or may change the zoning district with conditions as deemed appropriate pursuant to the standards contained under Sec. 1207.
- (6) After approval of the conditional zoning change request by the Board of Commissioners, a request for a building permit shall be submitted to the Plans Review Coordinator, who shall make the determination that the final building and site plans are in conformance with the approved concept plan and with any conditions attached by the Board of Commissioners. An approved concept plan shall not be deemed to authorize the violation of any of the terms or requirements of this Development Code.
- (7) If for any reason development and use of property approved in accordance with the procedure outlined above cannot be accomplished, the plans shall not be altered, changed or varied, except after approval by the Board of Commissioners. Applications for amendments to any concept plan shall be filed with the Development Services Department after depositing a filing fee which shall be the same as for an unconditional zoning application for the same district or districts.
- (8) The Development Services Director shall have the authority to approve minor alterations of zoning conditions or exhibits approved by the Board of Commissioners on an application for a zoning change, including the following:
 - a. Building relocation, curb cut relocation and traffic circulation changes due to topographic, environmental or other design factors;
 - b. Parking design;
 - c. Addition of accessory uses or structures;
 - d. Utility relocation;

- e. Other alterations which, in his opinion, would not change the intent of a conditional zoning approval or adversely affect county services or other properties or uses.

Sec. 1211 - Vesting of zoning change.

After an approval has been granted by the Board of Commissioners for a zoning change, the applicant, agent or property owner has 24 months to vest the zoning change approval. To vest a zoning change approval and forego its expiration, the applicant must record a final subdivision plat, receive project approval of a preliminary plat or site plan, obtain a building permit or lawfully initiate the use, whichever occurs first. If the applicant, agent, or property owner fails to vest the zoning change, the Board of Commissioners may direct the Development Services Department to initiate a zoning change to revert the property to the previously zoned condition. Such reversionary action shall proceed in accordance with provisions of this Article pertaining to zoning changes. The owner of the property will be notified of the reversionary action and afforded an opportunity to appear before the Planning & Zoning Board and Board of Commissioners to show just cause why the reversionary action should not be taken.

Sec. 1212 - Withdrawal of application.

An application for a zoning change may only be withdrawn upon a written request of the property owner or agent acting on behalf, at any time prior to the vote by the Board of Commissioners.

Sec. 1213 - Disapproval and appeal of decisions.

1213 (a) Disapproval.

If, in the opinion of the Board of Commissioners pursuant to the applicable standards contained in Sec. 1207, the proposed zoning change would tend to create conditions which would be unfavorable to or would adversely affect the health, safety, convenience, prosperity, or general welfare of the citizens of Douglas County, then the Board of Commissioners may disapprove the application and shall notify the applicant in writing by regular mail of its decision within 10 days of the date of the meeting at which the Board of Commissioners took action.

1213 (b) Re-submittal of disapproved or dismissed applications.

- (1) If an application for zoning change is disapproved or dismissed by the Board of Commissioners, then any portion of the same property may not again be considered for a zoning change for a period of 6 months from the date of the disapproval or dismissal action by the Board of Commissioners in accordance with O.C.G.A. 36-66-4(c), and as may be amended from time to time.
- (2) The Board may only consider property for a zoning change within the 6 month time period in connection with settlement of litigation or pursuant to an order by a court of competent jurisdiction. However, the Board, if time permits, shall direct staff to advertise, post the property, and notify the applicant and owner in writing prior to taking such action.

1213 (c) Appeals.

- (1) Any person or persons aggrieved by any decision of the Board of Commissioners relating to final action on a zoning decision may seek review of such decision in the Superior Court of Douglas County. An appeal from the decision of the Board of Commissioners shall be filed within 30 days

after the date of decision by the board and upon failure to file the appeal within 30 days of the decision, the decision shall be final.

- (2) In order to comply with O.C.G.A. § 36-66-5.1(c), the Chair of the Board of Commissioners and the Chair of the Board of Planning and Zoning, as appropriate, are authorized to approve or issue any form of certificate necessary to perfect the petition described in Title 5 of the Code of Georgia for review of lower judicatory bodies and accept service of such petition on behalf of the lower judicatory board or agency.
- (3) For purposes of appeal of a quasi-judicial decision, the Development Services Director is authorized to accept service on behalf of Douglas County as opposite party.
- (4) An appeal or challenge of a final action on a zoning change shall stay all legal proceedings in furtherance of the action appealed from or challenged, unless the local government, or board from which the appeal is taken certifies that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property.

DIVISION II. - APPROVAL OF A FUTURE LAND USE MAP AMENDMENT.

An application to amend the Future Land Use Map of the Comprehensive Plan affecting any property or properties may be initiated by the Board of Commissioners, the Planning & Zoning Board, the Development Services Director, or by the owner of each property to be affected. The approval, withdrawal or denial of a future land use map amendment shall be in accordance with the provisions of this Division.

Sec. 1214 - Applications for a future land use map amendment.

1214 (a) Future land use map amendment applications; receipt and acceptance.

- (1) Whenever a future land use map amendment is initiated by a person or persons other than the Development Services Director, Planning & Zoning Board, or Board of Commissioners, the following requirements of this Section shall be met. Prior to processing any such application, the applicant shall be required to file the necessary documentation and follow certain procedures as set forth in this Division.
- (2) An application for a future land use map amendment shall be made in writing to the Development Services Department on form(s) provided by the Department. Each application shall include the signatures of the applicant and property owner upon the application.
- (3) No application will be considered to have been made until such form(s) as described in subsection (2) have been completed and submitted to the Development Services Department with the application fees as established by the Board of Commissioners and supporting materials as required under this Division.
- (4) Applications shall include any request for information deemed necessary by the Development Services Director to enable a complete review of the request.
- (5) Any communication relative to an application for a future land use map amendment will be regarded as informational only until a proper and complete application is accepted by the Development Services Director. The Development Services Director shall review the transmittal

for completeness within 5 workdays following the submission deadline. Incomplete or improper applications will be returned to the applicant.

1214 (b) Application frequency.

- (1) Applications for amendments to the future land use map initiated by a property owner or their representative may be accepted in association with any rezoning application, in accordance with the schedule adopted by the Board of Commissioners under the Administration and Enforcement Article of this Code regarding schedules and fees.
- (2) A pending application for a zoning change that is related to or dependent upon a future land use map amendment may be heard at the same public hearing as the future land use map amendment, provided that:
 - a. The pending application shall have followed all procedures for a zoning change as set forth under Division I of this Article, including the notice provisions of Section 1209 (a)(2);
 - b. The related future land use map amendment must be heard and approved or denied before the proposed zoning change can be heard; and
 - c. If the future land use map amendment is approved, can be heard and acted upon on its own merits; or
 - d. If the future land use map amendment is denied, the proposed zoning change shall be withdrawn or denied.
 - e. A tabling of action on a future land use map amendment shall automatically table action on any related application for a zoning change.

1214 (c) Application contents.

An application for a future land use map amendment is to be submitted in one signed original copy and in a number of copies as established by the Development Services Director. The application must include the following:

- (1) Properly executed application form supplied by the Development Services Director, including the owner's signature or authorization.
- (2) The location of the subject property, including street number, if any;
- (3) Legal description of the property.
- (4) Existing future land use map category(s) of the property, and the proposed future land use map category(s).
- (5) Impact analysis, as described under Subsection 1214 (d) of this Section.
- (6) Statement of political contributions by the applicant and the applicant's attorney consistent with the requirements of the Georgia Conflict of Interest in Zoning Act (O.C.G.A. 36-67A).
- (7) Other information deemed pertinent to the application by the applicant.

1214 (d) Impact analysis.

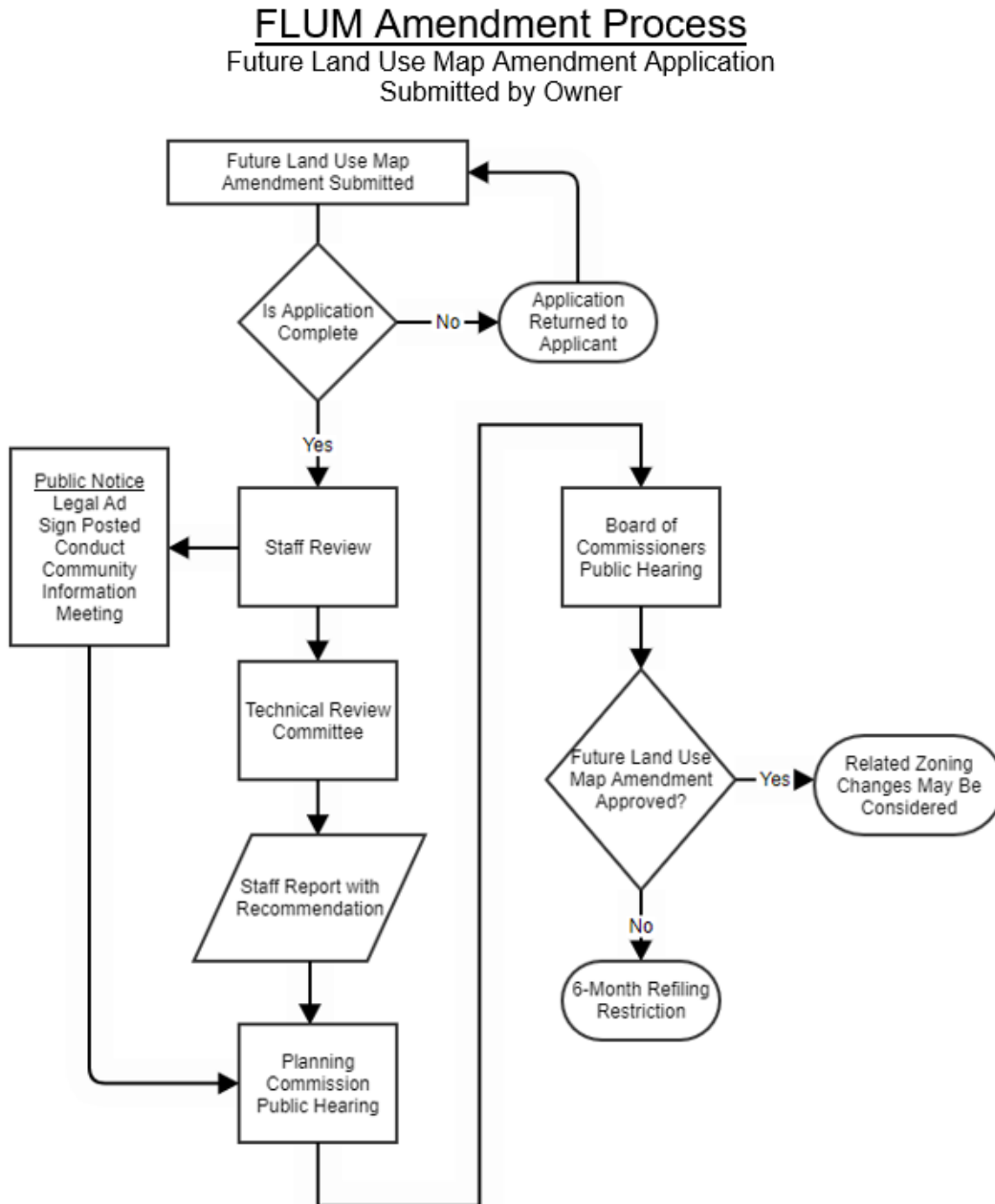
- (1) If the future land use map amendment has been initiated by an owner or their authorized representative, the application must be accompanied by a written, documented analysis of the

proposed future land use map amendment with regard to each of the standards governing consideration enumerated under Sec. 1215.

- (2) For proposed developments with 100,000 square feet of nonresidential floor area or 50 dwelling units, or more, a traffic study and a hydrology study, prepared by professional engineers registered in Georgia under the direction of the County at the applicant's expense, must be submitted along with the application for a future land use map amendment.
- (3) For proposed developments with less than 100,000 square feet of nonresidential floor area or 50 dwelling units, a traffic study and a hydrology study, prepared by professional engineers registered in Georgia under the direction of the County at the applicant's expense, shall be required unless waived by the Development Services Director.
- (4) A traffic study, a hydrology study and other studies of the impact of the proposed development may be required by the Development Services Department, Planning and Zoning Board, or the Board of Commissioners as deemed necessary for adequate consideration and a fully informed decision on the proposed future land use map amendment. The studies shall be prepared under the direction of the County at the applicant's expense.

1214 (e) Processing of future land use map amendment applications by staff.

- (1) Following receipt and acceptance of a complete application for a future land use map amendment, the Development Services Director shall send a list of the applications to each member of the county commission and the Planning & Zoning Board. Each list will include the name of the applicant, property owner, leaseholder (if applicable), street address, and land lot section and parcel number. Following receipt thereof and prior to the first public hearing, the individual officials shall file such conflict-of-interest disclosures as may be required by O.C.G.A. 36-67A.
- (2) The application materials will be distributed by the Development Services Department to each of the County departments and other agencies that are members of the Technical Review Committee. Analyses and comments as appropriate will be returned to the Development Services Department for inclusion in the staff recommendation.



(3) Staff recommendation.

The Development Services Department shall prepare, with the assistance of the Technical Review Committee departments and agencies, a written recommendation and planning analysis that will include, but need not be limited to, the following:

- a. The effects of the proposed change, both positive and negative, with regard to each of the standards under Sec. 1215.

- b. A recommendation for decision consisting of either approval, tabling, continuance, denial, or any other recommendation deemed appropriate. The staff recommendation may include approval of the extension of the requested change to other properties affected by the request, approval of a reduction in the area of the requested change, approval of a different future land use map category than requested, or any other recommendation reflecting professional and responsible planning for Douglas County.
- (4) Prior to the public hearings to be held on the application by the Planning & Zoning Board and the Board of Commissioners, notice shall be given by the Development Services Department in accordance with Section 1217 (a)(2).

Sec. 1215 - Standards governing consideration of a future land use map amendment.

The Planning & Zoning Board and the Board of Commissioners shall consider the following in evaluating a future land use map amendment, giving due weight or priority to those factors particularly appropriate to the circumstances of the application:

- (1) The extent to which a change in the economy, land use or development opportunities of the area has occurred.
- (2) The extent to which the proposed designation is in compliance with the goals and policies of the Comprehensive Plan.
- (3) The extent to which the proposed designation would require changes in the provision of public facilities and services.
- (4) The extent to which the proposed designation would impact the public health, safety, and welfare.
- (5) The extent to which additional land area needs to be made available or developed for a specific type of use.
- (6) The extent to which area demographics or projections are not occurring as projected.

Sec. 1216 - Taking action on a future land use map amendment.

1216 (a) Planning & Zoning Board.

- (1) The Planning & Zoning Board shall hold a public hearing on each application for a future land use map amendment in accordance with a schedule adopted by the Board of Commissioners. Such meeting shall be presided over by the chairman of the Planning & Zoning Board or in the chairman's absence a designated member of the Planning & Zoning Board. A staff report on each application shall be submitted to and considered by the Planning & Zoning Board at the public hearing. The Planning & Zoning Board shall investigate each of the criteria set forth in Sec. 1215 of this Article, as appropriate to the request.
- (2) The Planning & Zoning Board shall make a recommendation to the Board of Commissioners for approval, tabling, continuance, denial, or any other recommendation deemed appropriate. A recommendation for tabling or continuance shall be limited to one (1) occurrence until the next Planning & Zoning Board meeting in accordance with the schedule adopted by the Board of Commissioners under the Administration and Enforcement Article of this Code regarding schedules and fees. The recommendation may include approval of the extension of the requested change to other properties affected by the request, approval of a reduction in the

area of the requested change, approval of a different future land use map category than requested, or any other recommendation reflecting professional and responsible planning for Douglas County.

- (3) Written minutes of the Planning & Zoning Boards meeting shall be prepared and approved and maintained as a record in the Development Services Department. All documents shall thereafter become public record.

1216 (b) Board of Commissioners.

- (1) The Board of Commissioners shall take action on an application for a future land use map amendment after the receipt of the staff report, the applicant's report and the Planning & Zoning Board's recommendation.
- (2) So that the purpose of this Development Code will be served and the health, safety, convenience, prosperity, or general welfare is secured, the Board of Commissioners may approve or deny the application, approve the extension of the requested change to other properties affected by the request, approve a reduction in the area of the requested change, approve a different future land use map category than requested, or take such other action to maintain professional and responsible planning for Douglas County, or allow an application to be withdrawn without prejudice with respect to the 6 month limitation of this Article. An action by the board to defer, table, or continue the application shall be limited to one (1) occurrence until the next Planning & Zoning meeting in accordance with the schedule adopted by the Board of Commissioners under the Administration and Enforcement Article of this Code regarding schedules and fees. This statement shall constitute public notice of the hearing on the application and no further notice except posting is required.
- (3) The decision by the Board of Commissioners on a future land use map amendment shall be based on, but not limited to, a consideration of the standards set forth in Sec. 1215 of this Article, as appropriate to the request.

Sec. 1217 - Public information and hearings.

This Section includes requirements for public hearings, meetings, notice, and access to records. All hearings, meetings, notice and records relative to future land use map amendments shall follow the procedures established in this Section.

1217 (a) Notice.

- (1) Future land use map amendments initiated by County.
Notice of any public hearing for a future land use map amendment initiated by the County shall be published in the official legal organ of Douglas County at least 15 days, but not more than 45 days, prior thereto. Such notice shall state the time, place, and purpose of the hearing. The notice may appear as a legal advertisement in said newspaper.
- (2) Future land use map amendments initiated by property owner.
 - a. Notice of any public hearing for a future land use map amendment initiated by the property owner shall be published in the official legal organ of Douglas County at least 15 days, but not more than 45 days, prior thereto. Such notice shall state the time, place, and purpose of the hearing, the location of the property, the present future land use map category(s)

and the proposed category(s) requested. The notice may appear as a legal advertisement in said newspaper.

- b. Where proper notice is given in accordance with these regulations, and in conformity with the Georgia Open Meetings Law, notice by mail has been provided to adjacent and adjoining property owners by regular mail as shown by county tax records, and a sign has been posted in accordance with these regulations, no further notice to the property owner or adjacent or nearby property owners is required. Failure to provide notice as required by these regulations shall be grounds for the final action on a proposed amendment to be declared null and void. It is the responsibility of the applicant for the future land use map amendment to satisfy himself prior to the public hearing that proper notice requirements have been met.
- c. Appearance at the public hearing shall constitute a waiver of all claims based upon improper publication of notice or posting on the property.
- d. Posting of signs.
 - 1. A sign (to be furnished by the Development Services Department), placed every 300 feet of property frontage, containing the same information as required in the published notice, shall be posted by the owner or agent upon the property not less than 15 days prior to the date of the hearing. The sign shall contain letters large enough to be read from the street; whenever the property fronts on more than one street, signs shall be posted on all street frontages according to the distance requirements above.
 - 2. The owner or agent on behalf shall remove any and all public notice signs from the subject property within 3 business days after the date of final action by the Board of Commissioners on the proposed future land use map amendment.

1217 (b) Public information.

Copies of the proposed amendment, including the application, supporting documents and plats, the recommendations of the Development Services Department, and minutes of the Planning & Zoning Board, shall be maintained by the Development Services Director and available for public inspection and copying.

1217 (c) Community Information Meeting

At the discretion of the Director of Development Services and subsequent to the posting and sending of notice but preceding the official Public Hearing, at a time and place to be designated by the Director of Development Services, a community information meeting may be held to provide the public an opportunity to seek information on each application and review the information submitted to the County by each applicant and be made aware of the applicant's contact information. The purpose of this meeting is informational, and this is not a substitute for the public hearing before the Zoning Board and Board of Commissioners.

1217 (d) Public hearings.

All hearings, both regular and special, at which a future land use map amendment is to be discussed, considered, or acted upon by the Planning & Zoning Board or the Board of Commissioners, shall be open

to the public. Notice of special meetings shall be given in accordance with the Georgia Open Meetings Law.

- (1) A public hearing shall be held by the Planning & Zoning Board and the Board of Commissioners shall hold a hearing as a condition precedent to final action by the Board of Commissioners.
- (2) A public hearing is called to order by the Chairman or Vice Chairman of the Board of Commissioners or by the Chairman or Vice Chairman of the Planning & Zoning Board, as appropriate. The Chairman of the Board of Commissioners or the Chairman of the Planning & Zoning Board, as appropriate, will explain the procedures of the meeting and instruct the Development Services Director to call each case for a public hearing. The Development Services Department staff shall make a short presentation outlining the request and staff recommendation. At both the Planning & Zoning Board and the Board of Commissioners public hearing, the applicant for the future land use map amendment shall be afforded a reasonable opportunity to explain why the amendment is being sought; thereafter, all interested persons shall be afforded a reasonable opportunity to speak either for or against the amendment. For each application, the applicant and proponents of the application shall have no less than 10 minutes for the presentation of data, opinions and evidence at the public hearing, and opponents of the application shall likewise have a minimum of 10 minutes for presentation. Speakers shall be limited to a reasonable time, irrelevant or repetitious comments shall be avoided, and decorum shall be maintained. After hearing the staff recommendation and considering all public comments the Planning & Zoning Board shall reach a recommendation on each application to be provided to the Board of Commissioners. After receiving a report from the Development Services Department and the Planning & Zoning Board recommendation, considering all public comments and due deliberation by the Board of Commissioners, the Board will then render a decision on the application.

1217 (e) Attendance required.

The applicant or representative of the applicant shall attend all public hearings on the application. Although the Board of Commissioners may take final action on an application in the absence of the applicant or the applicant's representative based on the standards contained under Sec. 1215, the failure to attend may result in a tabling of the application or continuance of the hearing at the Board's sole discretion.

Sec. 1218 - Withdrawal of future land use map amendment applications.

A future land use map amendment application may only be withdrawn upon a written request of the property owner or agent acting on behalf of the owner prior to the vote of the Board of Commissioners.

Sec. 1219 - Disapproval and appeal of decisions.

1219 (a) Disapproval.

If, in the opinion of the Board of Commissioners pursuant to the applicable standards contained in Sec. 1215, the proposed future land use map amendment would tend to create conditions which would be contrary to the purposes, intent, goals or objectives of the Comprehensive Plan; be unfavorable to the orderly growth of the county and efficient in the delivery of services; or would otherwise adversely affect the health, safety, convenience, prosperity, or general welfare of the citizens of Douglas County, then the Board of Commissioners may disapprove the application and shall notify the applicant in

writing by regular mail of its decision within 10 days of the date of the meeting at which the Board of Commissioners took action.

1219 (b) Re-submittal of disapproved applications.

- (1) If an application for a future land use map amendment is disapproved, then any portion of the same property may not again be considered for a future land use map amendment for a period of 6 months from the date of the denial action by the Board of Commissioners.
- (2) The Board may only consider a property for a future land use map amendment within the 6-month time period in connection with settlement of litigation or pursuant to an order by a court of competent jurisdiction. However, the Board, if time permits, shall direct staff to advertise, post the property, and notify the applicant and owner in writing prior to taking such action.

1219 (c) Appeals.

Any person or persons aggrieved by any decision of the Board of Commissioners relating to final action on a future land use map amendment may seek review of such decision in the Superior Court of Douglas County. An appeal from the decision of the Board of Commissioners shall be filed within 30 days after the date of decision by the board and upon failure to file the appeal within 30 days of the decision, the decision shall be final.

DIVISION III. - PRELIMINARY PLATS AND SITE DEVELOPMENT PLANS.

Sec. 1220 - Project approval.

The Development Services Department must first approve a preliminary plat for a major subdivision or a site plan for development of a multi-family or nonresidential project prior to the issuance of a development permit or initiation of any land disturbing or construction activities. Minor subdivisions, as defined in the Subdivisions and Planned Developments Article of this Code, follow the procedures under Section 1220 (c). Construction Plan Review for subdivisions can be initiated in conjunction with Preliminary Plat Review, however, no construction plan review may be finalized until the preliminary plat has been granted approval as to form by the Board of Commissioners and a Certificate of Preliminary Plat Approval has been issued. No Development Permit will be issued until Preliminary Plat and Construction Plan approvals have been obtained.

1220 (a) Preapplication review.

Whenever the subdivision or development of a tract of land within Douglas County, Georgia, is proposed, the developer shall submit to the Development Review Committee (DRC) staff, the proposed plans for a required preapplication review of the development concept. The developer shall submit the concept plan associated with rezoning or Special Use approval of the property, if any, or may submit sketch plans showing one or more designs for the proposed development and a map of the vicinity showing the relationship between the proposed development and nearby physical features, streets, subdivisions, and/or acreage tracts. No fee shall be charged for the preapplication review and no formal application shall be required.

1220 (b) Procedure for project approval.

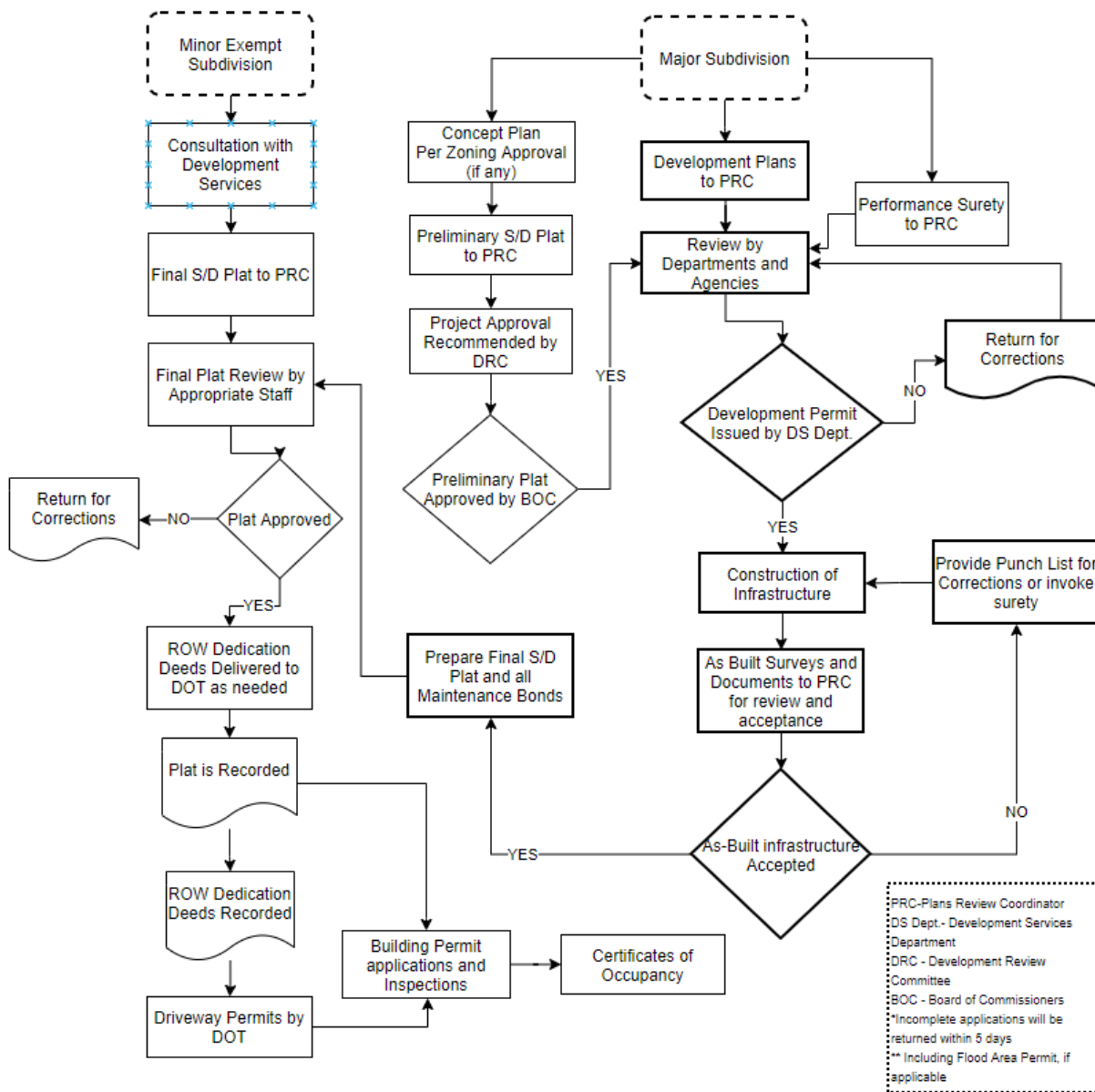
- (1) An application for project approval may be processed independently or in conjunction with an application for issuance of a development permit.

- (2) An application for project approval shall be submitted to the Plans Review Coordinator in the Development Services Department. The application shall include:
 - a. The name and address of the person requesting review.
 - b. A properly completed application form, as furnished by the Development Services Department, requesting review for project approval.
 - c. The preliminary subdivision plat or site plan, in a number of copies as established by the Development Services Director, showing the entire ownership drawn to the specifications of this Section.
 - d. Existing and proposed covenants and restrictions.
 - e. A copy of the deed to the property.
 - f. Proof that taxes on the property have been paid.
 - g. Proposed streetlight layout in accordance with the Streetlights Section of the Project Design and Construction Standards Article of this Development Code.
 - h. If located within the Quality Growth Development district, those additional items required for a certificate of approval under the O-QGD district standards in the Subdivisions Article of this Development Code.
 - i. Payment of the applicable application and review fees as established by the Board of Commissioners from time to time.
- (3) The Development Services Department will review the application for completeness within 5 workdays of submission. Incomplete applications will be returned to the applicant.
- (4) Submission of preliminary plat to water and sewer authority.

At the time the preliminary plat is submitted to the Development Services Department, the subdivider shall deliver a complete copy of the submittal to the Douglasville-Douglas County Water and Sewer Authority (DDCWSA). Following its review, the authority shall deliver an impact analysis to the Development Services Department. No major subdivision will be approved until an impact analysis from the water and sewer authority is received.

- (5) Review of preliminary plat or site plan.

The Development Services Department will review the documents and forward copies to the Douglas County Development Review Committee (DRC) for its technical advice. The review staff will meet in session to discuss any problems or corrections necessary before preliminary approval is granted. In addition, an impact study prepared by the review staff will address the effect of the proposed subdivision or development project on the environment surrounding the property and anticipated problems with water, sewerage, streets, and recreational facilities.



(6) Reserved.

(7) If the major subdivision includes or abuts a U.S. or State numbered highway, unless all of the lots in the subdivision contain 5 acres or more and no new street is involved, review by the Georgia Department of Transportation (GDOT) is required under O.C.G.A. 32-6-151. Two additional copies of the preliminary plat must be submitted to the Development Services Department for forwarding to GDOT. The owner or subdivider must respond to the recommendations of the GDOT prior to project approval by the County. If the written recommendations of the GDOT are not made within 30 days of receipt of the plat by GDOT, their approval shall be assumed as provided under State law.

(8) Time limit for review.

All preliminary subdivision plats and site plans submitted to the Development Services Department for approval which meet the various requirements set forth in this Section shall be approved or denied by the Douglas County Development Review Committee not later than 6 weeks following the date of submission of the plat.

(9) Following review of the application, the Plans Review Coordinator will assemble all comments related to compliance with this Development Code and forward them to the applicant.

(10) The owner is responsible for compliance with all codes, regulations and zoning requirements and for the satisfaction of all the noted and written comments.

(11) The Development Services Department may not approve any preliminary subdivision plat or site plan that shows a lot or situation that would clearly require a variance in order to be reasonably usable, whether due to the presence of flood plain, unusual configuration, zoning compliance, lack of public utilities, or for any other reason.

(12) Action by the Douglas County Development Review Committee.

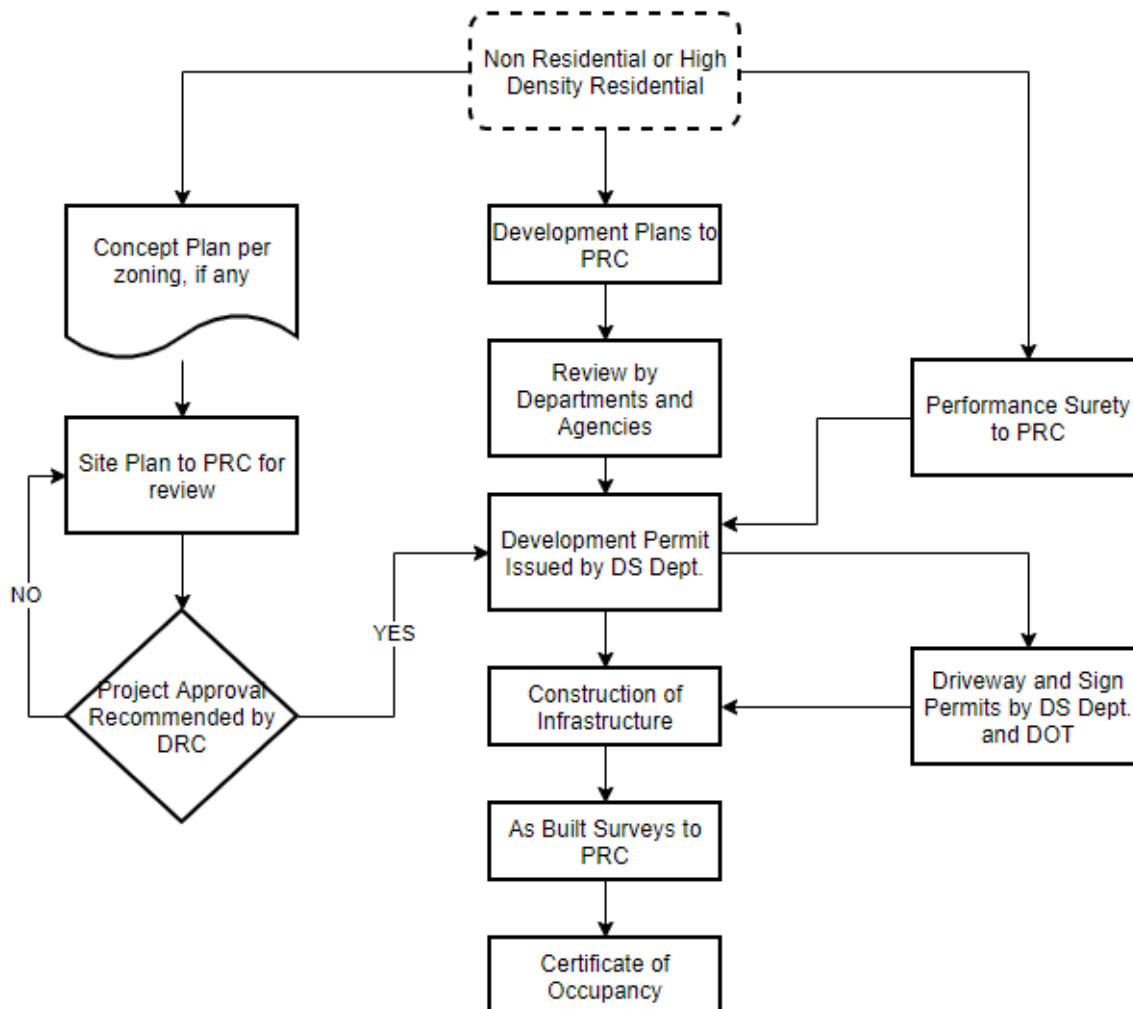
After receipt of recommendations by the subdivision review staff, the Douglas County Development Review Committee shall recommend one of the following:

- a. Issuance of a certificate of project approval by the Board of Commissioners.
- b. Issuance of a certificate of conditional project approval subject to any necessary modifications or conditions, the nature of which shall be indicated on a copy of the preliminary plat or attached to it in writing, and which conditions shall be satisfied on or before the date of final plat approval. The conditions shall be consistent with the provisions of this Development Code.
- c. Disapproval of the preliminary plat or site plan, or any portion thereof, on the grounds that the proposed development would not meet the requirements of this Development Code, or would create conditions which would be unfavorable to or adversely affect the health, safety, convenience, prosperity, or general welfare of the citizens of Douglas County. In such case, the Douglas County Development Review Committee shall notify the applicant in writing of its recommendation.

(13) Action by the Board of Commissioners.

Preliminary Plats are required to be submitted to the Board of Commissioners for placement on an agenda a minimum of 10 days prior to a regularly scheduled meeting. At the next available meeting of the Board of Commissioners, the Board shall consider the proposed development and the recommendation of the Development Review Committee. The Board may:

- a. Grant project approval subject to the Development Review Committee recommendation;
- b. Grant project approval subject to further conditions; or
- c. Deny the request due to noncompliance with the requirements, intent or purposes of this Development Code.



(14) Attendance required.

The applicant or representative of the applicant should attend all work session and meetings of the Board of Commissioners on the application for Preliminary Plat Approval. Although the Board of Commissioners may take final action on an application in the absence of the applicant or the applicant's representative, the failure to attend may result in a tabling of the application at the Board's sole discretion.

(15) Project approval binding for 12 months.

The Certificate of Preliminary Plat Approval will remain in effect for a period of 12 consecutive months after which time it will become null and void, unless an extension of time has been submitted to the Development Review Committee for their recommendation and is subsequently approved by the Board of Commissioners. While extensions may be granted for cause for additional 12 month periods by the Director of Development Services, the development will be required to meet any changes to the Douglas County Unified Development Code that may have been instituted since the first date of approval.

(16) What project approval of a preliminary plat constitutes.

Approval of the preliminary plat is an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat and is not to be considered as approval of the final plat.

(17) Effect on status of dedication.

The approval of a preliminary plat by Douglas County shall not be deemed to constitute or effect an acceptance by the County of any street or other ground shown upon the plat.

(18) Improvements authorized.

Notwithstanding project approval or conditional project approval, no improvements are authorized before approval of construction plans by the Development Services Department and the WSA as set forth in this Article. Improvements must be installed according to construction plans as approved.

(19) Requests for appeals and variances.

Appeals of denials and appeals from conditions recommended by the Douglas County Development Review Committee shall be presented to the Board of Commissioners at the time of their consideration of the development project application under Section 1220 (b)(13). All requests for variances shall be made to the Board of Appeals in accordance with the Appeals Article of this Development Code.

1220 (c) Minor subdivisions (short-cut procedure).

(1) Provisions for minor subdivision approval.

The provisions for project approval of a preliminary plat may be waived in the case of a minor subdivision as defined in the Subdivisions and Planned Developments Article of this Development Code, and the subdivider may submit an application for final plat approval, without submitting a preliminary plat, provided:

- a. The lots shall meet all zoning and other requirements of this Development Code;
- b. The subdivision shall provide all applicable improvements for a minor subdivision required in the Project Design and Construction Standards Article of this Code; and
- c. The property to be subdivided is not all or a portion of any property previously subdivided as a part of a minor or major subdivision except in the case of a recombination or resubdivision request under the Subdivisions and Planned Development Article of this Code.

(2) Consultation with the Development Services Department necessary.

A subdivider intending to proceed in accordance with the minor subdivision procedure shall first consult with the Development Services Department, supplying sufficient information to show that the specified conditions will be met.

(3) Preparation of plat.

After consulting with the Development Services Department, the subdivider shall submit a final plat of the subdivision meeting the applicable standards of Sec. 1231 and containing the applicable notes, statements and certifications of Sec. 1232.

- (4) Review and recordation of minor subdivision plat.

Review, approval and recordation of the minor exempt subdivision plat shall follow the procedures for exempt final subdivision plats under Division V of this Article.

1220 (d) General standards for project approval for site development plans or major subdivision preliminary plats.

- (1) A preliminary plat or site development plan shall be prepared by a registered professional engineer, land surveyor or landscape architect professionally familiar with land development and project construction activities.
- (2) The proposed name of the development and proposed street names shall not duplicate or too closely approximate, phonetically, the name of any other development or street in the County. If shown to the contrary, the Development Services Department may refuse to accept such development or street names. The development may use letter designations in place of proposed street names at the option of the applicant.
- (3) The preliminary plat or site development plan shall be prepared on a boundary survey of the entire tract to be subdivided or developed showing the location of the boundaries and dimensions of the tract to be developed.
- (4) The preliminary subdivision plat or site plan shall be clearly and legibly drawn at a scale of not less than 100 feet to 1 inch. The recommended maximum dimensions of the sheet size is 36 inches by 42 inches and the minimum dimensions of 17 inches by 22 inches; however, the Director of Development Services may approve other sheet sizes and graphic scales as appropriate.
- (5) For property of over 100 acres, a smaller scale may be used where, in the judgment of the Director of Development Services, presentation of detailed data is not necessary to evaluate the entire project. It is the intent of this provision that in all cases sufficient information shall be provided for an adequate evaluation of the public and private improvements.

Sec. 1221 - Preliminary plat or site development plan requirements.

Each preliminary plat or site development plan shall show the following:

1221 (a) Caption.

- (1) Proposed name of the development and its acreage (or square footage if less than an acre).
- (2) Name, address, telephone and fax numbers of the property owner and subdivider or developer.
- (3) Name, address, telephone and fax numbers of the applicant.
- (4) Name, address, telephone and fax numbers of the individual or company responsible for the design. The name, registration number and seal of the professional under whom the plan was prepared shall be stamped on the plan and signed.
- (5) Date of survey, north point and graphic scale, source of datum, date of plan drawing, and revision dates, as appropriate.

1221 (b) Development information.

- (1) Proposed use of the property, including a statistical summary of development factors such as density, nonresidential floor area, number of lots or dwelling units, and minimum unit sizes, as may be pertinent to the type of project.
- (2) Location (Land Lot, District and Section depicted) and size of the property in acres (or in square feet if less than an acre).
- (3) Location map of the property in relation to the surrounding area with regard to well known landmarks such as arterial streets, railroads or others. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than 1 inch equal to 2,000 feet. US. Geological Survey maps may be used as a reference guide for the location sketch.
- (4) Name and boundary of former approved subdivision if any or all of the land in the preliminary subdivision plat or site plan has been previously subdivided, showing boundaries of the lots to be re-subdivided.
- (5) Zoning district classification of the subject property and all adjacent properties, and zoning district boundaries as appropriate.
- (6) Rezoning or Special Use application number, date of approval, and stipulations (conditions of approval), as applicable.
- (7) Variances obtained on the property by application number, date of approval, and stipulations (conditions of approval), as applicable.
- (8) Recorded deed names of adjoining property owners or subdivisions.

1221 (c) Development design.

- (1) Ground elevations on the tract based on field surveys or photogrammetric methods from aerial photographs. The basis for the topographic information shall be shown. Contour lines shall be drawn at intervals of not more than 2 feet. If the tract is to be developed on a public or community sewerage, or into lots having a minimum area of one acre, a contour interval of 5 feet shall be acceptable. Contour lines shall be based on a datum plane as approved by the health department.
- (2) Natural features within the property, including:
 - a. Drainage channels, bodies of water, wooded areas and other significant natural features such as rock outcroppings.
 - b. On all watercourses leaving the tract, the direction of flow shall be indicated, and for all watercourses entering the tract the direction and acreage of the drainage area above the point of entry shall be noted. Floodplains shall be outlined.
- (3) Man-made features within and adjacent to the property, including street right-of-way and pavement widths, names of existing streets, all easements, city and county political boundary lines, and other significant information such as location and dimensions of bridges, utility lines and structures, existing buildings to remain, culverts and other man-made features
- (4) The proposed project layout including:
 - a. For subdivisions, lot lines, lot numbers, block letters, and street right-of-way lines (with proposed street names and right-of-way widths), along with the front building setback line and the dimension of its length on each lot (i.e., the lot width) and land to be reserved for public uses.

- b. For multi-family and nonresidential development site plans, the outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, zoning buffers, parking areas, driveways, curb cuts, and designated fire lanes.
- (5) The proposed phasing of the development if it is proposed to be built in sections.
- (6) Water and sewer facilities.
 - a. Location and size of existing water and/or sewer lines, and proposed placement, size and material type of water and/or sewer lines and fire hydrants.
 - b. A statement as to the source of domestic water supply.
 - c. A statement as to the provision for sanitary sewage disposal. For those properties that will not be served by a public or community sanitary sewerage system, location and results of percolation tests as required and approved by the County Health Department are to be shown.
 - d. Location, site plan, and other information as may be required by the County Health Department for all community sewage disposal plants.
- (7) The approximate location of proposed storm water detention facilities.
- (8) Proposed streetlight layout and design standards/drawings. For non-residential projects, a photogrammetric study will be required.
- (9) Elevations of all structures with materials identified as to types and percentages, shall be required on all High Density residential and multi-family and non-residential projects.
- (10) Such additional information as may be reasonably required to permit an adequate evaluation of the development activity proposed in the application.

1221 (d) Designer and owner certifications.

Each preliminary plat or site plan is to include a certification by the professional engineer, registered land surveyor or landscape architect responsible for the project design, and by the owner, that read as shown on Figure 12.1 and are signed in blue ink on the original drawing.

1221 (e) Evidence of project approval.

Each preliminary subdivision plat or site plan shall carry the following certificates printed or stamped on the plat.

- (1) Signed approval from the County Health Department (if septic tanks will be used).
- (2) Certificate of Project Approval, to read as shown on Figure 12.2.

Figure 12.1

DESIGNER'S CERTIFICATION

It is hereby certified that this [preliminary plat][site plan] was prepared using a survey of the property prepared by _____, RLS, and dated _____; and further that the proposed [subdivision][development] meets all requirements of the Douglas County Unified Development Code, as applicable to the property.

By (name): _____

Signed: _____

Registration No. _____

Address: _____

Telephone Number: _____

Date: _____ 20____

OWNER'S CERTIFICATION

As the owner of this land, as shown on this [preliminary plat][site plan], or his agent, I certify that this drawing was made from an actual survey, and accurately portrays the existing land and its features and the proposed development and improvements thereto.

Date: _____ 20____

[Owner][Agent] Name: _____

Signed: _____

Figure 12.2

HEALTH DEPARTMENT CERTIFICATION

The lots shown have been reviewed by the Douglas County Health Department and are approved for preliminary subdivision site work only.

Dated this ____ Day of _____ 20____

By _____

Title _____

CERTIFICATE OF PROJECT APPROVAL

All applicable requirements of the Douglas County Unified Development Code relative to Project Approval having been fulfilled, approval of this [preliminary plat][site plan] is hereby granted by the Douglas County Board of Commissioners, subject to further compliance with all provisions of said development regulations, and subject to any conditions of approval attached hereto.

Chairman, Douglas County Board of Commissioners

Date _____ 20____

This approval does not constitute approval of a development permit or of a Final Subdivision Plat. This Certificate of Project Approval shall expire 12 months from the date of approval if a development permit has not been issued or a development permit has been issued but development activity has not been commenced.

NOT FOR RECORDING

Sec. 1222 - Construction plans.**1222 (a) General requirements.**

- (1) Persons seeking to undertake land-disturbing activity (as defined in this Development Code) shall not commence or proceed until construction plans are approved by the Development Services Department and the WSA, and a development permit is issued by the Development Services Department. The process for approval of a development permit is presented in the Development Permit Section (Sec. 1223), below.
- (2) The construction plans for a project shall conform in all respects with the requirements of this Development Code, and shall include each of the plans in this Section as appropriate to the project. These include:
 - a. Erosion and Sedimentation Control Plan;
 - b. Grading Plan;
 - c. Stormwater Management Plan;

- d. Floodplain Management/Flood Damage Prevention Plan;
 - e. Street Improvement Plan;
 - f. Landscaping, Buffer and Tree Conservation Plans;
 - g. Public Utility Plans;
 - h. On-site Septic System Plans; and
 - i. Lighting Plan;
- (3) All construction plans and supporting studies shall be prepared by or under the supervision of a professional engineer registered in the State, except that the Landscaping, Buffer and Tree Conservation plans are to be prepared by or under the supervision of a landscape architect registered in the State.
 - (4) The plans shall be drawn on sheets a minimum of 24 inches by 36 inches in size.
 - (5) One copy of the approved construction plans must be at the job site when work is in progress.

1222 (b) Erosion and sedimentation control plan.

The application and plan requirements for erosion and sedimentation control plans are found in the Erosion Control and Stormwater Management Article of this Development Code.

1222 (c) Grading plan.

The grading plan may be combined with the erosion and sedimentation control plan if clarity will not be compromised.

- (1) Grading plans shall identify existing and planned topographic contours as required for erosion and sedimentation control plans.
- (2) Grading plans shall outline any area that is required to remain undisturbed, such as a natural zoning buffer, tree protection area, stream buffer or wetland (see the Landscaping, Buffers and Tree Conservation Article and the Environmental Protection Article of this Code) and shall identify and describe the protective fencing or staking to be placed surrounding such area.

Figure 12.3: Wetlands Certification
The design professional whose seal appears herein certifies the following: (1) the National Wetlands Inventory Map has been consulted; (2) the appropriate plan sheet
☐ DOES ☐ DOES NOT
indicate wetlands as shown on the map; and (3) if wetlands are indicated the landowner or developer has been advised that land disturbance of protected wetlands shall not occur unless the appropriate Section 404 Permit or Letter of Permission has been obtained.

- (3) Grading plans shall include a Wetlands Certification indicating whether or not wetlands are located on the property. The design professional that prepared the grading plans shall add a statement to the grading plan sheet indicating whether or not wetlands are located on the property by checking the appropriate box. The Wetlands Certification shall read as shown in Figure 12.3.
- (4) If the property contains any area of special flood hazard (the 100-year flood plain), grading plans in and around the flood plain shall be designed in conformance to all requirements relating to Flood Damage Prevention under the Erosion Control and Stormwater Management Article of this Development Code.

1222 (d) Stormwater management plan.

The application and plan requirements for stormwater management plans are found in the Erosion Control and Stormwater Management Article of this Development Code.

1222 (e) Floodplain management/flood damage prevention plan.

The floodplain management permit application requirements and requirements for floodplain management/flood damage prevention plans are found in the Erosion Control and Stormwater Management Article of this Development Code.

1222 (f) Street improvement plan.

- (1) Center line profiles and typical street sections of all proposed streets shall be required. Profiles shall be drawn on standard plan and profile sheet with plan section showing street layout, pavement and right-of-way width, curvature, and required drainage facilities. Typical street sections shall be provided for street widening.
- (2) Where sanitary sewer or storm water sewers are to be installed within a street, the grade, size, location and bedding class of pipe, and the location and invert elevation of manholes shall be indicated on the road profile.
- (3) Center line profiles covering streets that are extensions of existing streets shall include elevations at 50 foot intervals for such distance as may be adequate to provide continuity consistent with the standards required by this Development Code for street improvements, but no less than 200 feet.
- (4) All plan elevations shall be coordinated and sited into any U.S. Coast and Geodetic Survey or Georgia Department of Transportation bench marks within 1,200 feet of the street, or into reference monuments established by the Federal Emergency Management Agency.
- (5) A street striping plan, showing striping in accordance with the *Manual on Uniform Traffic Control Devices*, latest edition as published by the Federal Highway Administration, shall be prepared for any street newly constructed or widened to 4 or more lanes.

1222 (g) Landscaping, buffer and tree conservation plans.

All proposed landscaping as required by this Code in front, side and rear landscape areas; for parking lot landscape areas, trees and street-side screening; in zoning buffers; and trees to be retained or planted as required by the tree conservation provisions of this Code, shall be illustrated on plans as described in this Subsection. The plans may be consolidated as one plan if the information can be clearly shown.

- (1) Site landscaping plan.

- a. Scale at 1 inch = 20 feet to 50 feet, as needed to clearly illustrate the proposed plantings. Multiple sheets keyed to an index sheet may be used.
 - b. Caption:
 - 1. The name of the development and its acreage (or square footage if less than an acre).
 - 2. Name, address, telephone and fax numbers of the property owner and subdivider or developer.
 - 3. Name, address, telephone and fax numbers of the applicant.
 - 4. Name, address, telephone and fax numbers of the individual or company responsible for the design. The name, registration number and seal of the landscape architect under whom the plan was prepared shall be stamped on the plan and signed.
 - 5. Date of survey, north point and graphic scale, source of datum, date of plan drawing, and revision dates, as appropriate.
 - c. The location and size of all underground or aboveground utilities on the site, including the limits of any public or private utility easements and stormwater detention areas.
 - d. The location of all existing and proposed parking areas, sidewalks and other paved or impervious surfaces.
 - e. The outline of all existing and proposed buildings and structures.
 - f. The boundaries of all natural zoning buffers, stream buffers and other areas required to remain undisturbed.
 - g. The boundaries of each required landscape strip.
 - h. A planting plan showing the location, size and common name of proposed plant materials.
 - i. The location, size and common name of all existing plant materials to be retained that contribute to meeting the minimum requirements of this Code for landscape strips or parking lot landscaping.
- (2) Buffer plan.

A buffer plan shall be prepared for any natural or structural zoning buffer required in accordance with the specifications and standards contained in this Development Code. The buffer plan shall show:

- a. Caption, as required under 1222 (g)(1)b for site landscaping plans.
- b. The boundaries of each required zoning buffer area.
- c. The location and size of all underground or aboveground utilities on the site, including the limits of any public or private utility easements and stormwater detention areas.
- d. For each natural zoning buffer, the plan must show:
 - 1. Methods to be employed to protect the drip line areas of the trees in the buffer from disturbance during construction, including fencing details, erosion control, signage, etc., consistent with the Protection of Existing Trees Section of the Landscaping, Buffers and Tree Conservation Article of this Development Code.

2. Proposed supplemental plantings required to maintain the opaque visual screen required.
- e. For each structural zoning buffer, the plan must show:
 1. All grading and construction details for earthen berms, walls and fences that are proposed as part of the visual screen.
 2. A planting plan showing the location, size and type of proposed plant materials.
 3. The location, size and common name of all existing plant materials to be retained that contribute to meeting the minimum requirements of this Code for zoning buffers.
 4. Typical cross-sections of the zoning buffer illustrating the improvements proposed and typical location of vegetation. At least one cross-section shall be provided for each buffer.
- (3) Tree conservation plan.

The tree conservation plan shall be submitted prior to any grading, bulldozing, or other removal of existing vegetation that may affect the health of existing tree coverage.

- a. Tree conservation plan; preparation.
 1. The tree conservation plan for any multi-family or nonresidential development shall be related to the site plan for the project. Combination of the tree conservation plan and the site landscaping plan is encouraged.
 2. For subdivisions, the tree conservation plan shall be drawn on a copy of the preliminary subdivision plat, to which the information required by this Subsection will be added.
 3. The tree conservation plan shall comply with the requirements of the *Community Tree Planting and Establishment Guidelines* of the Georgia forestry Commission, latest edition.
- b. The tree conservation plan shall include the following basics:
 1. For multi-family or nonresidential development projects, scale at 1 inch = 20 feet to 50 feet, as needed to clearly show illustrate the proposed plantings. Multiple sheets keyed to an index sheet may be used.
 2. Caption, as required under 1222 (g)(1)b for site landscaping plans.
 3. The location and size of all underground or aboveground utilities on the site, including the limits of any public or private utility easements and stormwater detention areas. Off-site easements that may be affected by tree plantings must also be shown.
 4. The location of all existing and proposed parking areas, sidewalks and other paved or impervious surfaces.
 5. The outline of all existing and proposed buildings and structures.
 6. The boundaries of all natural zoning buffers, stream buffers and other areas required to remain undisturbed.
 7. The boundaries of each required landscape strip.
- c. The tree conservation plan shall show the following:

1. The extent of the development site or disturbed area, the gross area of the site, and the net site area to which the tree conservation requirements apply.
2. Specimen trees:
 - a) Each specimen tree or specimen tree stand that will be removed from the development site, including its size in DBH and its common name; and all other trees or tree stands that are submitted for credit as part of the tree conservation requirement. Such trees or tree stands are subject to concurrence of the County Arborist.
 - b) Each specimen tree or specimen tree stand that will remain on the development site and be protected during construction, including its size in DBH and its common name; and all other trees or tree stands that are submitted for credit as part of the tree conservation requirement. Such trees or tree stands are subject to concurrence of the County Arborist.
 - c) Grade changes or other work adjacent to a specimen tree that would affect it adversely, with drawings or descriptions as to how the grade, drainage, and aeration will be maintained around the tree.
3. Tree plan:
 - a) Limits of tree conservation areas, showing existing trees to be retained and new trees to be planted, specifying type and size.
 - b) In heavily wooded areas that will not be disturbed, the plan may show only the boundaries of each stand of trees and a list of trees in each stand that are submitted for credit by number and size.
 - c) Calculations showing compliance with the tree unit requirements of the Tree Conservation Division of the Landscaping, Buffers and Tree Conservation Article of this Development Code.
 - d) Planting schedule, if applicable.
 - e) Curb stops to prevent vehicle overhang, where required to protect planting areas and vegetation.
4. Irrigation.
 - a) The tree conservation plan is to include a note indicating the type of irrigation to be used. If hand watering is the type to be used, the plan must show the location of water faucets or quick couplers that will be used for this purpose.
 - b) If an irrigation system is provided, a separate irrigation plan is to be submitted showing the location of lines and heads, the spray radius for each head, all valves (control, shut off, drainage, etc.), timer and rain sensor location. The name and telephone number of a responsible 24-hour emergency contact shall be prominently displayed on the plan.
5. During-construction activities:
 - a) Methods to be employed to protect the critical root zones of the trees in the zoning buffer from disturbance during construction, including fencing details, erosion control, signage, etc., consistent with the Protection of Existing Trees

Section of the Landscaping, Buffers and Tree Conservation Article of this Development Code.

- b) Staging areas for parking, materials storage, concrete washout, and debris burn and tub grinding.

6. Additional information.

Additional information that the Development Services Director may require to provide a full understanding of conditions on the site and the elements of the proposed tree conservation plan or during-construction activities.

7. Notes.

Each tree conservation plan shall include notes clearly printed on each plan sheet, as shown in Figure 12.4.

Figure 12.4: TREE CONSERVATION PLAN NOTES
All tree protection devices must be installed and inspected prior to clearing, grubbing or grading. Call the County Development Services Department for an inspection.
Tree protection shall be vigorously enforced. No activities of any kind are to be allowed within any area shown to be undisturbed on this plan.
The retention and planting of trees as shown on this plan must be verified prior to issuance of a Certificate of Occupancy or acceptance of the project. Call the County Development Services Department for an inspection.
A maintenance inspection of trees will be performed prior to the expiration of the 2-year maintenance period. Project owners at the time of the maintenance inspection are responsible for compliance with the provisions of this plan and the Douglas County Unified Development Code.

1222 (h) Public utility plans.

(1) Domestic water supply plan.

If connection to a public water system is proposed or required, the domestic water supply plan shall depict all water system improvements, water mains, fire hydrants, valves and other appurtenances, and other information as may be required by the Water and Sewer Authority.

(2) Sewage disposal plan.

If a connection to a public system is proposed, Sewage disposal plans are to include: Sanitary sewerage plans, including profiles of all mains and outfalls, lift station and force main details, typical manhole construction details, and other information as may be required by the Water and Sewer Authority.

1222 (i) On-site septic system plans.

For projects approved to be served by on-site sewage disposal systems, location of septic tank, extent of drain field and attendant structures, location and results of percolation tests, and other information shall be shown as required by the County Health Department. Specific plan requirements include:

- (1) A letter from the Water and Sewer Authority stating that connection to public sewerage is not available.
- (2) Soils map and classification of soils as performed by a Soil Scientist. Percolation tests and additional soil borings may be required by the Health Department. When percolation tests are performed, a minimum of three percolation tests per installation site shall be conducted and highest soil absorption rate shall be used. Test boring shall be shown on the plot plan.
- (3) Calculations relating to the design of the septic system shall be submitted with a plot plan showing the maximum daily waste water usage (GPD); the sewage percolation coefficient; size of septic tank and area of absorption trenches, length, depth and width of absorption trenches, and depth of gravel bed; all mathematical calculations and supporting data. Systems shall be designed using the maximum daily waste water usage and the highest percolation rate. The minimum acceptable percolation rate shall be 45 minutes per inch.
- (4) Identification of location of wells within 500 feet of the property.
- (5) Location of soil test holes referenced to a description of the soils.
- (6) Location of septic tank and primary and secondary (replacement) absorption trenches. Solid and perforated pipe shall be shown as solid and dotted lines, respectively. All absorption trenches shall run parallel with contour lines and shall be at least 10 feet apart. Absorption trenches shall not be installed on filled graded sites or where slopes exceed 25 percent. Trenches shall not be greater than 4 feet deep unless recommended by a Soil Scientist to improve percolation rates.
- (7) Where an existing septic system is to be utilized, an evaluation of the system shall be performed to indicate its suitability for treating the anticipated daily waste water requirements. The existing systems shall be plotted on the site plan.

DIVISION IV. - PERMITS.

Sec. 1223 - Development permit.

1223 (a) Responsibility for development actions.

- (1) No person shall conduct any land-disturbing activity, including grading, clearing and grubbing, tree clearance, land development or project construction without first obtaining a development permit from the Development Services Department to perform such activity.
- (2) Any person proposing development shall first submit to the Plans Review Coordinator in the Development Services Department an application for a development permit, including all construction plans required by this Development Code. The application must be authorized by the property owner.
- (3) The Development Services Department is responsible for administering the review and approval process for issuance of development permits. The Development Services Department

shall forward a copy of the development permit application, including the construction plans for the project, to other County departments, the Water and Sewer Authority, the Soil and Water Conservation Commission District, the Georgia Department of Transportation or others as appropriate, for their review and comment. The Development Services Department shall provide all comments to the applicant for resolution, and shall issue the development permit when all requirements of this Development Code are met.

- (4) Approval of plans by the appropriate department or agency shall not imply or transfer acceptance of responsibility for the application of the principles of engineering, architecture, landscape architecture or any other profession, from the professional, corporation or individual under whose hand or supervision the plans were prepared.
- (5) The completion of inspections and authorization for work continuation shall not transfer responsibility for the quality of the work performed or materials used from the owner, nor imply or transfer acceptance of responsibility for project design or engineering from the professional, corporation or individual under whose hand or supervision the plans were prepared.
- (6) No development permit shall be interpreted to relieve any owner of the responsibility of maintaining full compliance with all applicable codes, ordinances and other regulations. Any development permit issued in error or in contradiction to the provisions of this Development Code shall be considered to have been null and void upon its issuance.
- (7) Liability.
 - a. The approval of an erosion and sedimentation control plan or other plans under the provisions of this Development Code, the issuance of a development permit, or the compliance with any other provisions of this Development Code shall not relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Board of Commissioners or the Soil and Water Conservation District for damage to any person or property.
 - b. The fact that any activity for which a development permit has been issued results in injury to the property of another shall neither constitute proof of, nor create a presumption of, a violation of the standards provided for in this Development Code or the terms of the development permit.

1223 (b) Development activities authorized.

A development permit shall be issued to authorize all activities associated with development activity regulated by this Code, including, but not limited to, clearing and grubbing, grading and the construction of such improvements as streets, surface parking areas and drives, storm water drainage facilities, sidewalks, or other structures permanently placed on or in the property except for buildings, signs, or other structures requiring the issuance of a building permit.

1223 (c) Process for approval of development permit.

An application for a development permit may proceed simultaneously with an application for project approval of a preliminary subdivision plat or site development plan but may not be issued prior to approval of such plat or plan by the Development Services Department.

- (1) The application for a development permit shall be submitted to the Plans Review Coordinator in the Development Services Department and must include the following:

- a. Application on the form furnished by the Development Services Department, requesting review for issuance of a development permit.
 - b. Four copies of:
 - 1. The preliminary plat or site development plan requesting or reflecting project approval by the Development Services Department.
 - 2. The construction plans prepared in conformance with the specifications and standards in this Development Code.
 - c. Two copies of the hydrology study.
 - d. One copy of the soil tests (if applicable).
 - e. Payment of any development permit fee, as established from time to time by the Board of Commissioners.
- (2) The application will be checked for completeness within 5 workdays of its submission. Incomplete applications will be returned to the applicant.
- (3) Upon acceptance of a development permit application, the Plans Review Coordinator shall:
- a. Refer the soil erosion and sedimentation control plan to the WSA and the Soil & Water Conservation District for their review and approval or disapproval concerning the adequacy of the erosion and sedimentation control plan. No development permit will be issued unless the soil erosion and sedimentation control plan has been approved by the District and the WSA, and any variances and bonding, if required, have been obtained.
 - b. Refer the stormwater management plan and the floodplain management/flood damage prevention plan (if any) to the WSA for its review and approval or disapproval. No development permit will be issued unless the stormwater management plan and the floodplain management/flood damage prevention plans have been approved by the WSA.
- (4) The applicant may be required by the Plans Review Coordinator to secure development approval from other agencies if they are affected by the development. Development approval may be required from but not limited to:
- a. Fire Marshal.
 - b. County Health Department.
 - c. Soil and Water Conservation District.
 - d. Georgia Department of Transportation.
 - e. Georgia Department of Natural Resources.
 - f. U.S. Army Corps of Engineers.
 - g. U.S. Environmental Protection Agency.
- (5) Upon receipt of comments from other departments and agencies, the Plans Review Coordinator will indicate on a copy of the construction plans or in writing all comments related to compliance with this Development Code, conditions of zoning approval, and other regulations or ordinances, as appropriate.
- (6) The Plans Review Coordinator will forward all comments to the applicant.

- (7) The applicant will be responsible for compliance with all codes, regulations and zoning requirements and for the satisfaction of all of the comments received. The owner will also be responsible for obtaining approval from all other agencies affected by the project.
- (8) No development permit will be issued unless the applicant provides a statement by the County Tax Commissioner's office certifying that all ad valorem taxes levied against the property and due and owing have been paid.

1223 (d) Issuance of development permit.

- (1) Following satisfaction of all comments, receipt of approvals from all affected agencies and receipt of all required bonds, the Development Services Department shall obtain signatures from all involved agencies on three (3) sets of plans and return the signed sets of plans to the engineer/surveyor. The engineer/surveyor shall then provide the Development Services Department with a digital copy of the plans including a scanned image of the cover sheet with all signatures. The image files shall be in a .pdf or .tif format unless otherwise specified by the Development Services Director. After obtaining the digital copy, the Development Services Department shall issue a development permit authorizing the development activities to begin based on the approved construction plans.
- (2) Permits shall be issued or denied as soon as practicable, but in any event not later than 60 days after receipt by the County of a complete application, providing variances and bonding are obtained, where necessary.
- (3) If the tract is to be developed in phases, then a separate permit shall be required for each phase.
- (4) Additional provisions regarding permits are found in the Erosion Control and Stormwater Management Article of this Development Code.

1223 (e) Expiration of development permit.

- (1) A development permit shall expire if the development activity described in the permit is not begun within 6 months from the date of issuance. Any such expired permit may be renewed by the Development Services Department within 6 months of development expiration, subject to permit renewal approval by the WSA. If a development permit has expired for more than 6 months, the applicant shall be required to apply for a new development permit under the development permit approval process of this Development Code.
- (2) Every permit or renewal thereof shall be valid for a period of one year, if not sooner renewed, terminated, revoked, or surrendered. Permits shall be eligible for renewal within 60 days prior to expiration. The County may refuse renewal based on materially changed land conditions or based on any ground that would be the basis for revocation of the active permit.
- (3) Any change or amendment of design and construction plans for the project that may materially impact or negate the permit based on original approval of the plan shall require a permit amendment. All amendments shall be applied for in writing and follow the same procedure for approval as original applications for a development permit.

Sec. 1224 - Floodplain management permit.

1224 (a) Floodplain management permit required.

If development or construction is proposed within or affecting an area of special flood hazard, approval of a floodplain management permit application by the WSA shall be required. An application for a floodplain management permit may be included with and reviewed along with a development permit application.

1224 (b) Application process for a floodplain management permit.

The floodplain management permit application requirements and process are found in the Erosion Control and Stormwater Management Article of this Development Code

Sec. 1225 - Driveway permit.

1225 (a) Driveway permit; when required.

- (1) No driveway connecting to a public street or a public right-of-way or public property shall be repaired or installed without first having approval from the Department of Transportation. If the driveway connects to a State or U.S. numbered highway, approval of the Georgia Dept. of Transportation shall be required prior to County approval.
- (2) Applications may be made to the Plans Review Coordinator or directly to the DOT.

1225 (b) Driveway permit; expiration.

A permit shall expire for work not started within 90 days or completed within 6 months after issuance of a permit, and a new permit shall be required before beginning or completing the work.

Sec. 1226 - Building permit.

1226 (a) Building permit; required.

A building permit issued by the Chief Building Official is required in advance of the initiation of construction, erection, moving or alteration of any building or structure in accordance the provisions of the building code.

- (1) No building permit shall be issued and no building shall be erected on any lot in the county unless access to a public right-of-way has been established in accordance with this Development Code.
- (2) No building permits shall be issued before approval of the final plat for a lot in a subdivision except that all structures shall comply with the requirements of this Development Code, whether or not a building permit is required.

1226 (b) Procedures to obtain a building permit.

- (1) Procedure for approval.

The Chief Building Official is responsible for administering and enforcing the building codes of the County.

- a. Prior to issuance of a building permit the owner shall have received a development permit, if required, by this Development Code.

- b. Zoning verification shall be obtained from the Development Services Director in the Development Services Department. The following shall be attached to the Zoning Verification Application:
 - 1. For a single-family detached or two-family dwelling, a plat or other indication of the location of the lot.
 - 2. For a multi-family or nonresidential building, the site development plan upon which was granted project approval by the Development Services Department.
 - 3. A street address number as shown on the final plat or as assigned by the Development Services Department.
- c. Application for a building permit shall be made to the Chief Building Official. The application shall include:
 - 1. Application on the form furnished by the Chief Building Official, requesting issuance of a building permit.
 - 2. A copy of the zoning verification approved by the Development Services Director.
 - 3. Three copies of a site development plan drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot if buildings already existing, if any; and the location and exterior dimensions of the proposed building or alteration. For single-family and two-family residences, such plans may be prepared on an 8½ x 11-inch sheet size.
 - 4. The application shall include such other information as lawfully may be required by the Chief Building Official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Code.
 - 5. Eight sets of architectural building plans for principal multi-family or non-residential buildings. Such plans shall be prepared in conformance with this Development Code and the applicable building codes. Such plans shall be prepared by or under the supervision of an architect registered in Georgia, who shall sign and seal each sheet in the original set of drawings.
 - 6. All site plans and architectural building plans shall be submitted in an electronic format acceptable to the Director of Development Services.
 - 7. County Health Department Approval if an on-site sewage disposal system has been allowed
 - 8. Payment of the building permit application and review fee.
 - 9. Water meter receipt issued by the Water and Sewer Authority.
- d. The application will be checked by the Chief Building Official for completeness within 5 work days. Incomplete applications will be returned to the applicant.
- e. Within 2 weeks following receipt of a complete application, the Chief Building Official shall indicate on the building plans approval or disapproval and attest to same by his signature.

One copy shall be returned to the applicant and the original copy shall be retained by the Chief Building Official.

- f. The owner shall be responsible for compliance with this Development Code and all building code requirements, regulations, and for the satisfaction of all of the comments of the Chief Building Official.
 - g. At such time as the owner has addressed the comments to the satisfaction of the Chief Building Official and the Office of the Fire Marshall, a building permit will be issued for the structure.
 - h. Plumbing, electrical and mechanical permits shall be issued separately by the Chief Building Official or separately identified on the building permit. Such permits must be issued prior to commencement of work by each affected trade.
- (2) If the work authorized by a building permit has not begun within 6 months from the date of issuance the permit shall expire. As long as work has commenced under the building permit, it shall be valid for one (1) year, except that if within any 180-day period an inspection has not been performed the building permit shall expire. Two (2) extensions for the building permit for six (6) months each shall be allowed as long as work is continual and an inspection has occurred within each 180 day period.
- (3) Standards for approval.
- a. Building permits shall be issued only on buildable lots of record, as defined in this Development Code, except in the case of a model home allowed under Sec. 1226 (c).
 - b. Building permits shall be issued in conformance with the adopted technical codes and supplements that constitute the County's building code. Conformance to this Development Code is also required as a prerequisite to issuance of a building permit.

1226 (c) Model homes.

Within a major subdivision that is under construction, up to 4 model homes may be constructed on proposed lots prior to final plat approval and recordation, subject to the following requirements of this Subsection.

- (1) The public water supply system shall provide live water service on site prior to construction, including adequate fire-fighting pressure and flow at the nearest fire hydrant.
- (2) Paved road access must be in place between each model home and the nearest public street prior to use.
- (3) No model home may be issued a Certificate of Occupancy or offered for sale prior to final plat approval and recordation.
- (4) The occupancy and use of the model home shall be treated as a tenant-at-will under a temporary Certificate of Occupancy.
- (5) A garage used for temporary offices, show room or other non-garage use must be converted back to a bona fide automobile garage prior to issuance of a Certificate of Occupancy or sale of the home.
- (6) Commercial parking areas on the lot must be removed prior to issuance of a Certificate of Occupancy or sale of the home.

1226 (d) Certificate of occupancy.

- (1) It is unlawful to use or occupy or permit the use or occupancy of any part of a building, structure, or premises, until a certificate of occupancy has been issued stating that the building or structure or premises conforms to the requirements of the building codes and this Development Code.
- (2) A certificate of occupancy shall be required for any of the following:
 - a. Occupancy and use of a building or structure constructed or enlarged.
 - b. Change in use of existing buildings to uses of a different classification.
 - c. Any change in use of a nonconforming use, lot or building.
- (3) Permanent electric power may not be supplied to any structure until a certificate of occupancy shall have been issued and the power company contacted by the Chief Building Official.
- (4) A record of all certificates of occupancy shall be maintained by the Chief Building Official and a copy shall be furnished upon request to any person.

Sec. 1227 - Sign permit.

Requirements pertaining to the issuance of sign permits are contained in the Sign Regulations Article of this Development Code.

Sec. 1228 - Permit to move a building.

1228 (a) Moving permit required; number limited.

A house, building or other structure or any part of a house, building or other structure shall not be moved or caused to be moved by any person through or across any sidewalk, street, alley or highway within the jurisdictional limits of the county, without such person first obtaining a permit from the building official. Furthermore, no contractor or developer who is engaged in the business of restoring moved-in houses shall be allowed more than one building permit for the reconstruction of moved-in houses at any one given time.

1228 (b) Moving permit application; inspection.

- (1) Any person desiring to move a building, house or other structure shall first file with the building official a written application setting forth the following information:
 - a. Type and kind of building to be moved.
 - b. The original cost of such building.
 - c. The extreme dimensions of the length, height and width of building.
 - d. Its present location and proposed new location by lot, block, subdivision and street numbers, or plat and legal description if not within a subdivision.
 - e. The approximate time such building will be upon the streets, and contemplated route that will be taken from present to new location. '
 - f. The complete name, address and telephone number of the current owner.
 - g. A written contract between the mover of the structure and the party for whom the structure is moved, or proof of ownership of the structure by the mover.

- (2) The building official shall conduct a preliminary inspection of the house, building or other structure proposed to be moved at its present location prior to its removal and relocation. If in the opinion of the building official, the moving of, any structure will cause serious injury to persons or serious damage to property or serious injury to the streets or other public improvements, or the structure to be moved has deteriorated more than 50 percent of gross floor area by fire or other element, or the moving of the structure will violate any of the requirements of this Code or of the zoning regulations, the permit shall not be issued and the structure shall not be moved over the streets. Any structure being moved for which a permit was granted shall not be allowed to remain in or on the streets for more than 48 hours.
- (3) A nonrefundable application and processing fee as prescribed from time to time by the board of commissioners, on file in the office of the clerk, shall be paid to the county at the time the written application required in Section 1228 (b)(1) hereof is submitted to the county. The applicant shall also pay to the county an inspection fee calculated at an hourly rate as provided from time to time by the board of commissioners, on file in the office of the clerk, for each hour that the building official or the building official's delegate is away from the county office in connection with the inspection of the house, building or other structure at its present location, together with mileage expenses for each mile the building official or delegate travels from the county office to the house, building or other structure, at the rate prescribed from time to time by the board of commissioners, on file in the office of the clerk.

1228 (c) Bond.

The building official, as a condition precedent to the issuance of such permit, shall require a bond to be executed by a person desiring such removal permit, with corporate surety to such official's satisfaction. The bond shall be with a company licensed to do business in the State of Georgia and included on the United States Department of Treasury's list of acceptable sureties. Such bond shall be made payable to the applicable governing body and for such amount as the building official prescribes. It shall indemnify the applicable governing body against any damage caused by the moving of a structure to streets, curbs, sidewalks, shade trees, highways and any other property that may be affected by the moving of a structure. Such surety bond shall also be conditioned upon and liable for strict compliance with the terms of said permit, as to route to be taken and limit of time in which to effect such removal and to repair or compensate for the repair and to pay said applicable governing body as liquidated damages an amount not exceeding \$50.00 to be prescribed by the building official for each day's delay in completing such removal or in repairing any damages to property or public improvement or in clearing all public streets, alleys or highways of all debris occasioned thereby. In lieu of the foregoing, if the mover of the structure is licensed by the state public service commission and shows proof that all appropriate bonds have been submitted to and accepted by the public service commission, then the within and foregoing bond requirements shall be waived.

1228 (d) Notices to be given by building official.

Upon the issuance of aforesaid moving permit, the building official or some other party acting upon the building official's request shall cause notice to be given to the sheriff, fire marshal, chief of the fire department, telephone, gas or light companies, or others whose property may be affected by such removal. The building department shall set forth in all notices the route that will be taken, time started, and approximate time of completion.

1228 (e) Public safety requirements.

- (1) Every building, house or other structure that occupies any portion of public property after sundown, shall have sufficient lights continuously burning between sunset and sunrise for the protection of the public.
- (2) There shall be a minimum of 5 red lights placed on each street side of the building, house or other structure; such red lights shall be attached to the structure in such a fashion as to indicate extreme width, height and size.
- (3) There shall be placed in addition to the red lights, on the structure, flares at regular intervals for a distance of 200 feet up the street on each side of the building, house or other structure.
- (4) When more than 50 percent of the street, measured between curbs, is occupied at night by the structure, or when in the opinion of the building official, flagmen are necessary to divert or caution traffic, the owner or person moving such building shall employ at such owner's or person's expense, 2 flagmen, one at each street intersection beyond the building; such flagmen shall remain at these intersections diverting or cautioning traffic from sunset to sunrise. Red lights shall be employed in flagging traffic at night.

1228 (f) Improvements by owner required; building permit.

- (1) The owner of any house, building or other structure proposed to be moved shall make all necessary improvements required in order for said house, building or other structure to comply with the requirements of the building, electrical, plumbing and mechanical codes as adopted in the county, within ninety (90) working days (defined as Monday through Friday) from the date the house, building or other structure is moved into the county and placed on the site where it shall be permanently located. The owner shall be required to acquire a building permit from the building official at the time improvements are begun to the house, building or other structure. Rates for the building permit shall be those established by the County. The permit shall be valid for a period of 60 working days (the "initial term") from the date the house, building or other structure is moved into the county and placed on the site where it shall be permanently located, and it may be renewed for an additional period of 30 working days at the expiration of the initial term upon payment to the county of a renewal fee established by the county, provided the foundation, roof, windows and all exterior finish are completed, the house is damp-proof, and the plumbing, electrical and mechanical systems are roughed in, all to the satisfaction of the building official. Extensions of such time for construction as deemed reasonable may be granted by the building official upon a showing of delay caused by matters beyond the control of the owner. If the reconstruction is not completed to the degree hereinabove required at the expiration of the initial term, and if the time for completion is not otherwise extended by the building official as provided herein, then the owner shall pay a fine to the county of a sum as prescribed from time to time by the board of commissioners, on file in the office of the clerk, per working day for each working day that the required construction is not completed. If the required construction is not fully completed following the renewal term of 30 working days after an extension is given, and if the time for completion is not otherwise extended by the building official as provided herein, then the owner shall also pay a fine to the county in the same amount as above provided, per working day for each working day that the construction is not fully completed.
- (2) The application for the moving permit shall be accompanied by an application for a building permit and, except for single-family residential dwellings, a complete set of plans and specifications showing all contemplated improvements, signed by the owner or the owner's agent.

- (3) No house, building or other structure may be occupied by any person until a final certificate of occupancy is granted by the building official.

DIVISION V. - FINAL SUBDIVISION PLATS.

Final plats for major subdivisions must comply with the provisions of this Division.

Sec. 1229 - Final plats; responsibility.

- (1) The Director of Development Services, acting through the Plans Review Coordinator, shall be responsible for coordination of the approval process for all final subdivision plats.
- (2) The final subdivision plat shall be certified and sealed by a registered land surveyor.
- (3) The owner is responsible for compliance with all requirements of this Development Code. Approval of a final subdivision plat and acceptance of the public improvements and dedications therein shall not relieve the owner of this responsibility.

Sec. 1230 - Procedures for final plat approval.

1230 (a) Application for final plat approval.

- (1) Prior to submission of an application for final subdivision plat approval, either:
 - a. All public improvements shall have been properly installed and completed in accordance with all requirements and standards of this Development Code (other than traffic signs, street name signs, street striping, and signalization) and as-built surveys of the improvements shall have been approved by the Development Services Director as required in the Project Design and Construction Standards Article of this Code; or,
 - b. A guarantee in lieu of completed improvements shall have been received by the Development Services Department and approved by the Development Service Director as provided under the Project Design and Construction Standards Article of this Development Code.
- (2) An application for a final subdivision plat approval shall be made to the Plans Review Coordinator in the Development Services Department. The application shall include:
 - a. The name and address of the person to whom the notice of approval shall be sent.
 - b. A properly completed application form, as furnished by the Plans Review Coordinator, requesting final subdivision plat review.
 - c. 8 copies of the final subdivision plat drawing prepared in conformance with the Final Plat Requirements in this Section, the original of which shall be drawn in permanent ink on archival paper.
 - d. The as-built surveys of the improvements as required in the Project Design and Construction Standards Article of this Code if the surveys have not been previously received and approved.
 - e. Dedication deeds.

Executed deeds for the dedication of all street rights-of-way, easements and other public properties natural resource easements and conservation easements (as applicable).

f. Affidavit from developer.

At the time the final plat is submitted to the Development Services Department, the subdivider must also submit an affidavit signed by the developer certifying that the streets, drainage structures and any other design features have been constructed according to the development construction drawings approved by the Development Services Department. This will include street grades, drainage structures, drainage pipe size and profiles, street paving specifications, utility locations, dam construction and any other facilities that have been incorporated into the development. See the Owner's Certificate under Section 1232 (b).

g. Letter of acceptance of water and sewer lines.

At the time the final plat is submitted to the Development Services Department, the subdivider must also submit a letter to the department from the Douglasville-Douglas County Water and Sewer Authority. The letter shall verify the authority's acceptance of the subdivision's water and/or sewer lines.

h. Protective Covenants.

Protective covenants shall be required for all subdivisions in which more than 5 lots are created. At a minimum, the protective covenants shall create a homeowners' association for the subdivision with mandatory membership of all property owners and mandatory dues, and shall be recorded prior to the final plat. See the Subdivisions and Master Planned Communities Article of this Code regarding homeowners' associations and the specific elements required to be contained within such documents.

i. Proof of bonds.

Upon submission of the final plat, the subdivider must provide proof in writing on forms supplied by Douglas County that a maintenance bond, letter of credit which shall be irrevocable and collateralized, or escrow account and/or a performance bond, letter of credit which shall be irrevocable and collateralized, or escrow account have been made payable to Douglas County in accordance with Section 1027.

j. Proof of payment for materials and installation of traffic signs and street name signs made to the Development Services Department. Payment of the cost of street striping or signalization, if required and not completed by the owner, shall also be included in the application.

k. Streetlights.

All subdivision developers shall provide streetlights in accordance with the Streetlights Section of the Project Design and Construction Standards Article of this Development Code. Proof of payment for the construction and installation of the streetlights, an executed agreement with the appropriate utility company, and payment for the streetlights fund shall be provided to the Plans Review Coordinator at the time the final plat is submitted.

l. Payment of all applicable final subdivision plat filing and recording fees, as established by the Board of Commissioners from time to time.

1230 (b) Review and approval process.

- (1) The Plans Review Coordinator shall review the application for completeness within 5 work days of submission. Incomplete applications will be returned to the applicant.
- (2) If the major subdivision includes or abuts a U.S. or State numbered highway, unless all of the lots in the subdivision contain 5 acres or more and no new street is involved or is classified as a minor exempt subdivision or minor administrative subdivision, review by the Georgia Department of Transportation (GDOT) is required under O.C.G.A. 32-6-151. The owner or subdivider must respond to the recommendations of the GDOT prior to final plat recording. If the written recommendations of the GDOT are not made within 30 days of receipt of the plat by GDOT, their approval shall be assumed as provided under State law.

- (3) Review of final plat.

The Plans Review Coordinator shall review the documents and forward copies to the Douglas County Development Review Committee for its technical advice. The review staff will meet in session to discuss any problems or corrections necessary before final approval is granted. After the review staff has completed its review of the final subdivision plat and granted approval, each department will stamp and sign the final plat.

- (4) Time limit for review.

All final plats submitted to the Plans Review Coordinator for approval which meet the various requirements set forth in this Code shall be considered and approved by the Development Review Committee (DRC) not later than 45 days following the submittal to the review staff.

- (5) Action by the Development Services Director.

After receipt of recommendations by the subdivision review staff, the Development Services Director shall do one of the following:

- a. Issue a certificate of final plat approval and pass a resolution approving the final plat and street light district; or
- b. Disapprove the final plat or any portion thereof on the grounds that the subdivision does not meet the requirements of this Development Code, or would create conditions that would be unfavorable to or adversely affect the health, safety, convenience, prosperity, or general welfare of the citizens of Douglas County. In such case, the Development Services Director shall notify the applicant in writing of its decision.

- (6) Action by the Director of Transportation.

Prior to approval of a final subdivision plat, the applicant shall provide to the Development Services Director who shall then forward the right-of-way dedication deeds to the Director of Transportation for acceptance and processing.

- (7) Recording of the final plat.

- a. After the final archival print of the subdivision has been approved and stamped and signed by the members of the review staff and the Chairman of the Board of Commissioners, the Plans Review Coordinator will file the plat for recording with the Clerk of Superior Court.
- b. The subdivider shall deliver to the Plans Review Coordinator a final print on white archival grade paper of the final plat that is stamped in red with a certificate that states that the plat has been approved according to the subdivision procedures of Douglas County.

c. It shall be the Plans Review Coordinator's responsibility to see the final plat is recorded.

(8) Copies of the approved final plat.

Subsequent to the recording of the final plat, the original signed copy on final archival print with all certificates endorsed thereon, fifteen (15) additional hard copies, and one digital copy, positioned correctly in Georgia NAD_83 State Plane Coordinates (in U.S. survey feet to the hundredth of a foot) and compatible with the Douglas County Geographic System, shall be filed with the records of the Development Services Department. The plat book and page and time of recording shall also be indicated on the copies.

(9) Special certificate required to record any plat.

No plat depicting changes to the boundaries of an existing tract, regardless of whether it is a minor subdivision, major subdivision plat, or a random conveyance, a final plat or a revised final plat shall be recorded in the records of the Clerk of the Superior Court of Douglas County unless the plat conforms to these regulations. The plat shall be in the form of a final print on archival grade white paper and is stamped in red with a certificate which states that the plat has been approved according to the subdivision procedures of Douglas County and that the Clerk of the Superior Court of Douglas County is authorized to record it so long as said certificate is signed and dated in blue ink by either the Development Services Director or his designee.

1230 (c) Revised final plat.

(1) Consultation with Development Services Department necessary.

When it becomes necessary to revise a recorded final plat due to some error, required adjustment, or desired adjustment, the developer shall confer with the Development Services Director or Plans Review Coordinator to verify that such proposed revision will comply with the requirements of the Code of Ordinances or this Development Code.

(2) Preparation of revised final plat.

If it is established that revision is feasible, the subdivider shall have such subdivider's engineer make the necessary corrections on a new plat of that portion of the subdivision involved. The subdivision name, date and book and page number of the original recording shall be noted on the new plat. Revisions and a notation explaining the revisions shall also be shown on the revised plat. The revised plat shall be filed with the Plans Review Coordinator.

(4) Fee for filing revised plat.

At the time of filing an application for revised final plat approval, a fee shall be paid to the county as established by the Board of Commissioners from time to time.

(5) Review for revised final plat.

The Plans Review Coordinator shall review the documents and forward copies to the Douglas County Development Review Committee for its technical advice as applicable. The review staff will meet in session as needed to discuss any problems or corrections necessary before approval of the revised final plat is given. After the review staff has completed its review of the revised final plat, each department will stamp and sign the revised final plat.

(6) Copies of the approved revised final plat.

After the revised plat of the subdivision has been approved and stamped and signed by the members of the appropriate County agencies, the Plans Review Coordinator will submit the plat to the applicant for recording with the Clerk of the Superior Court. The recorded plat shall be forwarded back to the applicant and surveyor who may then be required to submit copies, in such number as may be established by the Development Services Director, for distribution to the county departments and other agencies. The plat shall be kept by the Development Services department.

(7) Denial of revised final plat.

Any revised plat that does not receive approval shall be returned to the developer with written notification stating the reasons for denial attached thereto. The developer may appeal any denial by the subdivision review staff to the Board of Appeals under the Appeals Article of this Development Code.

Sec. 1231 - Final plat standards.

1231 (a) General standards for final plats.

- (1) The final subdivision plat shall be drawn on an appropriate archival paper material and sheet size, and using minimum line weights and letter heights as required by Georgia law for the recordation of maps and plats (O.C.G.A. § 15-6-67), and as acceptable to the Clerk of the Superior Court.
- (2) The final plat shall be clearly and legibly drawn on permanent reproducible material. The scale of the final plat shall be 100 feet to one inch. Sheet size shall not exceed 24 inches by 36 inches. If complete plat cannot be shown on one sheet of this size, said plat shall be shown on several sheets with an index map indicated on each sheet. In no case shall sheet size be less than 8½ inches by 11 inches.
- (3) Final plat shall conform substantially to preliminary plat. The final plat shall conform substantially to the preliminary plat as approved, including all conditions imposed by the Douglas County Development Review Committee and any variances granted by the board of appeals. If desired by the subdivider, the plat may constitute only that portion of the approved preliminary plat which the subdivider has developed or proposes to develop and record at that time, provided, however, that such portion conforms to all requirements of these regulations.

1231 (b) Final plat requirements.

The final subdivision plat shall contain all caption information and plat data required by Georgia law pertaining to the recordation of maps or plats (O.C.G.A. § 15-6-67, as amended), as well as the additional information required in this Subsection.

(1) Caption.

The maps or plats shall have a title or name, including the name of the subdivision, which shall be contained in the caption, and the caption shall also provide the following information:

- a. The name of the subdivision;

- b. The name and address of the subdivider;
- c. The county, land lot, district and section, and subdivision name, if the property lies within a particular subdivision;
- d. The date of plat preparation;
- e. The scale, stated and shown graphically;
- f. The name, address, telephone number, and registration number of the land surveyor or the statement that he is the county surveyor and is not required by law to be a registered surveyor; and
- g. All reproductions of original maps or plats shall bear the original signature, in black ink, of the registrant placed across the registration seal in order to be a valid or recordable map or plat.

(2) Plat data.

Maps or plats shall be made in a professional manner and in accordance with the standards of good drafting procedures and shall show the following information, as specified:

- a. All maps or plats shall show the direction and distance from a point of reference to a point on the boundary of the individual survey, and such additional data as may be required to relocate the boundary point from the point of reference with the same degree of accuracy required of the parcel surveyed. The point of reference shall be an established, monumented position which can be identified or relocated from maps, plats, or other documents on public record;
- b. All maps or plats of boundary surveys or subdivision surveys shall show bearings of all lines of the boundary or lot lines, and distances of all boundary or lot lines, and area of the parcels expressed in acres or square feet;
- c. All maps or plats shall show the width and the former widths, if pertinent, of all rights of way adjacent to or crossing the property or adjacent to any point of reference;
- d. All maps or plats shall show easements and apparent encroachments, if pertinent;
- e. In the case of curved lines, the curve shall be defined by curve data to include the radius, arc length, chord bearing, and distance for regular curves. Chord distances and directions shall be given for irregular curves;
- f. All land lot lines, land district lines, land section lines, and city or county boundaries intersecting or adjacent to the surveyed property shall be indicated by lines drawn upon the map or plat with appropriate words and figures;
- g. All corner markers and markers of pertinent reference points shall be fully described and indicated as to their material or types and shall be constructed of a permanent material such as iron, steel, concrete, or stone, as required for survey monuments under the Project Design and Construction Standards Article of this Code;
- h. An arrow shall be shown on the map or plat to indicate the principal meridian, and a notation shall be made as to the reference of bearings to magnetic north, astronomic north, or grid north. A grid north reference shall indicate the zone;
- i. All linear distances shown on maps or plats shall be horizontal;

- j. All angular directions shown on maps or plats shall be represented in degrees and minutes. Where plats state or surveys require accuracy in excess of 1 in 5,000, the angular directions shall be represented in degrees, minutes, and seconds. All angular directions shall be referenced to the principal meridian; and
 - k. All maps or plats shall show the state plane coordinates of at least two permanent monuments thereon, when a National Geodetic Survey monument is within 500 feet of any point on the property mapped or platted, or any point of reference shown thereon.
- (3) Additional data.

The following is to be shown on the final plat in addition to the caption information and plat data required by Georgia law:

- a. Street names including both the name and the suffix, such as "street" or "avenue;"
- b. Name of the former subdivision if any or all of the property has been previously subdivided;
- c. Location map of the property in relation to the surrounding area with regard to well known landmarks such as arterial streets, railroads or others. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than 1 inch equal to 2,000 feet. US. Geological Survey maps may be used as a reference guide for the location sketch.
- d. Index map when more than one sheet is required to present plat;
- e. Lots or sites numbered in numerical order and blocks lettered alphabetically;
- f. Accurate location, material and description of monuments and markets. Monuments to be placed after final street improvements shall be designated as "future;"
- g. Lot lines with dimensions to the 1/10 (0.1) foot, necessary internal angles, arcs, and chords and tangent or radii of rounded corners;
- h. Building front setback lines with dimensions as to length across each lot and distance from the street right-of-way;
- i. When lots are located on a curve or when side lot lines are at angles other than 90 degrees, the lot width at the building setback line shall be shown;
- j. Location, dimensions and purpose of all easements, including slope easements, if required, and any areas to be reserved, donated, or dedicated to public use;
- k. Centerline data including the radius, central angle, arc length, chord bearing and distance, and tangent distance between curves must be given for regular curves. Curve data shall be required for all roadway centerline curves. Chord distances and directions shall be given for irregular curves on preexisting roads;
- l. Location, dimensions and purpose of all drainage structures and of any easements, including slope easements, if required. and of public set-vice utility right-of-way line:. and any areas to be reserved, donated, or dedicated to public use or sites for other than residential use with notes stating their purpose and limitations; and of any areas to be reserved by deed covenant for common use of all property owners;
- m. The plat must show the exact location of water lines, cut-off valves and fire hydrants as approved by the water and sewer authority;

- n. The plat must show the location of streetlights as they are to be installed by the utility company, or if the light poles have been installed, the exact location thereof;
- o. The extent of any area of special flood hazard, as defined in this Development Code; and
- p. The street address number of each lot.

Sec. 1232 - Final plat statements and certificates.

1232 (a) Statement of private covenants.

A statement of the private covenants, if they are brief enough to be put directly on the plat: otherwise, a statement as follows: "This plat is subject to the covenants set forth in the separate document(s) attached hereto dated _____, which hereby becomes a part of this plat," recorded _____ (date) _____, and signed by the owner.

1232 (b) Surveyor and owner certificates.

Each final subdivision plat shall carry the following certificates printed or stamped on the plat to read as shown on Figure 12.5. The original certificates on the reproducible copy of the final plat shall be signed and dated.

- (1) Surveyor's Certificate, signed in blue ink on the original drawing.
- (2) Surveyor's Seal. The reproducible final subdivision plat drawing shall bear the original signature, in black ink, of the registered land surveyor placed across the surveyor's seal in order to be valid and recordable.
- (3) Owner's Certificate, signed in blue ink on the original drawing.

1232 (c) Certification by health department.

Certification by the Health Department shall be printed or stamped on the plat, as appropriate to the source of water supply and method of waste disposal approved. For lots not served by public sewerage or public water, the certification by the Health Department is to read as shown on Figure 12.6 and signed in blue ink on the original drawing. For developments with public sewerage and public water systems, this certification may be omitted.

1232 (d) Certification of Douglasville-Douglas County Water and Sewer Authority (DDCWSA).

The final survey plat must be approved by the WSA, as evidenced by the placement of the notation on the final plat as shown on Figure 12.7, which shall be signed by the Executive Director of the Authority or his designee.

1232 (e) Certificate of final subdivision plat approval.

A certificate of final plat approval shall be stamped or printed on the final subdivision plat. Certificates for exempt and minor subdivisions, and for major subdivisions, are shown in Figure 12.8

Figure 12.5 SURVEYOR'S CERTIFICATE
It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown thereon actually exist and their location, size, type and material are correctly shown
The field data upon which this plat is based has a closure precision of one foot in _____ feet, and an angular error of _____ per angle point, and was adjusted using _____ rule.
The following type of equipment was used to obtain the linear and angular measurements used in the preparation of this plat:

This plat has been calculated for closure and is found to be accurate within one foot in _____ feet.
By (name): _____
Registered Georgia Land Surveyor No. _____
Address: _____

Telephone Number: _____
Date: _____
OWNER'S CERTIFICATE
The undersigned, in person or through a duly authorized agent, certifies that he or she is the fee simple owner of the land shown on this plat; that the plat and the public improvements contained therein or associated therewith meet all applicable requirements and standards of the Douglas County Unified Development Code; and by separate deed dedicates to the use of the public forever all streets, parks, easements and public grounds shown thereon for the purposes thereof expressed.
Owner's name: _____
Owner's address: _____
_____ Date _____ (Owner's signature)

Figure 12.6 DOUGLAS COUNTY PUBLIC HEALTH

STATEMENTS REQUIRED ON FINAL PLAT
CERTIFICATION OF THE DOUGLAS COUNTY PUBLIC HEALTH
This plat has been approved for development utilizing on-site sewage management systems. An on-site sewage management system permit will be issued upon receipt of a plan, acceptable to Environmental Health, showing the on-site sewage management system including the replacement absorption in a suitable location on the lot.
Dated this ____ Day of ____ 20__.
By ____
Environmental Health County Manager
for
Douglas County Public Health
Notes on individual on-site sewage management systems:
PP: Individual plot plan required prior to issuance of an on-site sewage management permit.

DT: A plot plan required incorporating a dosing tank with a pump or siphon into the design of the on-site sewage management system.
ATU: A plot plan requiring a State of Georgia approved advanced treatment unit (ATU).
SM: A plot plan requiring site modifications or other special conditions for the development of the lot.
Unauthorized excavation or filling of lot(s) may render the approval void."

Figure 12.7**APPROVAL BY DOUGLASVILLE-DOUGLAS COUNTY WATER AND SEWER AUTHORITY**

Approval of this plat and acceptance of the project represented herein shall be deemed to be an acceptance by the Douglasville-Douglas County Water and Sewer Authority (the "Authority") of all dedicated water mains, sanitary sewer mains, and lift stations that serve more than one property owner, as well as all stormwater collection and conveyance structures located in the public right-of-way, including inlets, catch basins, pipes, ditches, and channels. Approval of this plat and acceptance of the project represented herein shall not be deemed an acceptance, either express or implied, of any stormwater facilities, structures, or features located outside the public right-of-way on private property. All stormwater facilities, structures, and features located on private property shall be owned and maintained by the property owner(s), in accordance with the requirements of the Authority's Rules and Regulations. The Authority shall not be responsible or liable for any drainage outside of the right-of-way; for any drainage leading from drop inlets, catch basins, or surface drainage; for flooding

or erosion from storm drains; or from flooding from high water of natural creeks or rivers. This statement is included on this final plat as a condition of acceptance and shall be in the nature of a covenant running with the land, serving as notice to all future owners of the existence of the drainage easements and stormwater features as shown on the plat and the private duty to maintain them in perpetuity. As a condition of approval of this plat and acceptance of this project by the Authority, the developer and owner hereby covenant that any future deed conveying all or any portion of the property or lots shown herein shall specifically refer to this plat and incorporate this plat by reference.

_____ Date _____
Executive Director, Douglasville-Douglas County Water and Sewer Authority

Figure 12.8
<i>For Minor Exempt Subdivisions and Minor Administrative Subdivisions:</i>
CERTIFICATE OF FINAL PLAT APPROVAL
FOR RECORDATION
All requirements of the Douglas County Unified Development Code having been represented as being fulfilled by this plat, the Director of Development Services approves this plat for recordation by the Clerk of the Superior Court, subject to acceptance by the Board of Commissioners of all dedications of land to the public shown thereon.

_____ Date _____ Douglas County Director of Development Services
_____ Date _____ Chairman, Board of Commissioners
<u>For Major Subdivisions:</u>
CERTIFICATE OF FINAL PLAT APPROVAL
FOR RECORDATION
All requirements of the Douglas County Unified Development Code having been represented as being fulfilled by this plat [and the related as-built surveys approved on (date)], this plat is approved subject to all dedications of land to the public shown thereon being accepted by the Douglas County Board of Commissioners. All of the conditions of approval having been completed, this plat is approved for recordation by the Clerk of the Superior Court, subject to maintenance and guarantee under the requirements of the Development Code.

[This approval recognizes the receipt of performance surety by Douglas County in the amount of \$_____ to assure the completion of all remaining improvements appurtenant to this subdivision.]
_____ Date _____ Douglas County Director of Development Services
_____ Date _____ Chairman, Board of Commissioners

The following notes shall be placed on all revisions to existing recorded subdivision plats:

Douglas County Public Health Department

This plat was previously reviewed and approved for development by the Douglas County Health Department. This plat does not represent a request for either new or additional on-site sewage management systems. The approval of this plat does not grant either expressed or implied approval for either new or additional on-site sewage management systems (see general note 1).

Douglasville-Douglas County Water Sewer Authority

This plat was previously approved for development by the DCDWSA. This plat does not represent a request for either new or additional water and/or sewer service. Approval of this plat does not grant either expressed or implied approval for new or additional water and/or sewer service. All service easements and infrastructure previously authorized and approved shall remain in force and effect (see general note 1).

Douglas County Department of Transportation

This plat was previously approved for development by the Douglas County DOT. This plat does not represent a request for any modifications to the existing right-of-way or installed transportation network. All rights-of-way, easements and infrastructure previously authorized and approved shall remain in force and effect (see general notes 1 and 2).

GENERAL NOTES

1. The purpose of this plat is for the conveyance of the described Tracts as depicted. The approval of this plat does not guarantee or warranty the approval of any other required permits.
2. Access to the lots shall be from the originally permitted and approved driveway. No additional driveway access points shall be allowed without the required review and approval from the Douglas County Transportation Department.

Sec. 1233 - Acceptance of public improvements.

- (1) If construction of any required public improvements was deferred at the time of final plat approval, said work must be completed and revised as-built surveys submitted to the Development Services Department within 24 months of the date of final plat recordation.
- (2) The developer shall maintain the improvements in the development throughout the maintenance period. The maintenance period shall begin upon recordation of the final subdivision plat and extend from said date or from the date of completion of all deferred improvements, whichever occurs later. The maintenance period shall extend without interruption for a period of no less than 24 months or until 75% of all dwelling units authorized by the final plat have been issued Certificates of Occupancy, whichever occurs later. In no case, however, shall the maintenance period extend for more than 36 months from the date of completion of all deferred improvements, except for time to complete final repairs required of the developer under Sec. 1233(4).
- (3) Prior to expiration of the maintenance period, a final acceptance inspection of the public improvements shall be conducted by the Development Services Department and the WSA.
- (4) The subdivider must correct all defects or deficiencies in materials or workmanship and make such repairs as necessary to approximate the as-built condition of the improvements. And the subdivider shall execute such documents as required by the Development Services Director to ensure the County is held harmless and indemnified from any claims arising from non-performance by the subdivider including attorney's fees and costs incurred by the County in enforcing the requirements of the UDC as amended.
- (5) Upon certification by the Development Services Director that the public improvements depicted on the as-built surveys are in conformance with the specifications of this Development Code and are in good repair, the Development Services Director will release the maintenance bond and accept the public improvements into perpetual maintenance.
- (6) Notwithstanding anything herein to the contrary, dedication of proposed public rights-of-way, easements and improvements shall not be accepted without approval by the Director of Transportation of the dedication deeds.
- .
- (7) The process of vacating rights-of-way, vacating easements, vacating recorded subdivision plats, and changing road names shall be subject to approval by the Board of Commissioners.

Sec. 1234 – Vacation or Abandonment of Dedicated Public Right-of-Way or Public Easements.

A. Any person, public or private entity desiring the vacation of any public street, alley, easement or public way shall submit to the County Development Services Department a completed application form and the information required in this Section 1234, which will be forwarded to the Department of Transportation for processing. Vacating public right-of-way or public easements as contained and depicted within or upon a recorded subdivision plat may be pursued as a single request under the requirements of Section 1235 following below. The following information is required under this Section 1234:

- (1) The appropriate Petition and application form.

- (2) A letter of request stating the interest of the applicant, the interest of the person, firm or corporation representing the applicant, and the reasons for the vacation.
- (3) Impact Letters from the County Engineer, the County Sheriff, County Fire Marshal, and all applicable departments, school districts, utility companies and special districts which serve the area in or around the property where the vacation is sought. Such letters shall state the position of the respective authorities concerning the proposed vacation.
- (4) An accurate drawing suitable for recording prepared by a Georgia licensed land surveyor depicting and legally describing the public street, alley, easement or public way to be vacated. The drawing shall also note all reservations, if any.
- (5) Verified documentation the requested vacation will not leave any land adjoining the roadway without an abutting established public road or private access easement connecting the land with another established road.
- (6) A nonrefundable application fee as set by resolution of the Board of County Commissioners.

B. The Board shall hear all applications to vacate a public street, alley, easement or public way. After receiving a vacation application, the Board shall set a time and a place for a public hearing and shall cause notice of the hearing to be sent to property owners whose property abuts the exterior boundaries of the public street, alley, easement or other public way proposed to be vacated. Such notice shall be sent by first class mail with postage prepaid at least fifteen (15) days but not more than forty-five (45) days before the public hearing.

C. Notice shall also be posted in conspicuous places at each end of the public street, alley, easement or public way proposed to be vacated. Such notice shall be posted at least fifteen (15) days but not more than forty-five (45) days before the public hearing.

D. Notice shall also be published in a newspaper of general circulation in the County at least fifteen (15) days but not more than forty-five (45) days before the public hearing.

E. Before granting the vacation of a public street, alley or public way, the Board of County Commissioners shall find the following conditions (1) through (5) exist:

Before granting the vacation of an easement, the Board of County Commissioners shall find the following conditions (4) through (6) exist:

- (1) The public street, alley or public way to be vacated was created by plat or deed or exists by right of usage if not formally platted or not defined by deed.
- (2) The requested vacation will not leave any land adjoining the roadway without an abutting established public road or private access easement connecting the land with another established public road.
- (3) The requested vacation will not adversely affect the transportation needs of Douglas County.
- (4) The requested vacation is completely within the boundaries of Douglas County and is not within the limit of any incorporated city or town.
- (5) The requested vacation is not a boundary with any other county or incorporated city or town or if it is a boundary, the vacation is approved by joint action of the Board and the duly constituted authority of the other county, city or town.
- (6) The requested easement vacation will not adversely impact the development or redevelopment of the surrounding properties or neighborhood.

F. The Board of County Commissioners may approve the requested vacation, may approve with stipulations or reserve portions of rights-of-way or easements for the continued and/or future use of

sewer, gas, water or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone and similar lines and appurtenances, or the Commissioners may deny the requested vacation. Whenever a street or alley is vacated, the presumption is that the fee is in the adjacent landowners, and that the right of each extends to the middle of the way [Calvary Independent Baptist Church v. City of Rome, 208 Ga. 312, 66 S.E.2d 726 (1951)] unless otherwise agreed to and approved by the Commissioners. Whenever a street or alley is vacated, the Commissioners shall authorize the zoning of said property to the district extant on the adjoining private property at the time of the abandonment.

G. Approval by the Board of Commissioners will incorporate affirmation that the abandoned property shall be zoned according to the existing zone district of the adjoining property into which the abandoned property is being placed.

H. Upon approval of the vacation, the affected property owners shall prepare deeds to incorporate the applicable portion of the vacation into their property's description. The deeds shall be submitted to the County Planning and Development Department for recordation with the drawing.

I. Upon approval of the vacation and satisfaction of all conditions imposed on the approval, the accurate drawing using the form and standards of a Final Plat submitted under the requirements of a Minor Administrative Plat along with the required deeds shall be recorded with the Douglas County Clerk of Superior Court at the applicant's expense.

Sec. 1235 - Vacation of Recorded Plats

A. Any plat or any part of any plat, which may also contain depicted public easements or public right-of-way, that has been duly approved by the Board of Commissioners and recorded, may be vacated by the owner of the premises by submitting to the County Development Services Department a completed application form and the following:

1. The appropriate Petition, application form and non-refundable fee.
2. The applicant's name, address, and the name and address of any person, firm or corporation represented by such applicant in the application.
3. The interest of the applicant and the interest of the person, firm or corporation represented by the applicant, be it legal, sales, development, operation or other interest.
4. A statement of facts which the applicant believes justifies the vacation, including, but not limited to, a general description of the area surrounding the proposed vacation which will be thereby affected. Such description shall address the environmental, economic and traffic effect of the proposed vacation.
5. A vacation plat prepared by and carrying the seal of a Georgia licensed land surveyor. The vacation plat shall utilize the plat preparation standards for final subdivision plats contained in this Article and, where applicable, show existing and proposed structures, uses, open spaces, facilities for parking and loading, and arrangement for pedestrian and vehicular circulation.
6. Impact Letters from the County Engineer, the County Sheriff, County Fire Marshal, and all applicable departments, school districts, utility companies and special districts which serve the area in or around the property where the vacation is sought. Such letters shall state the position of the respective authorities concerning the proposed vacation.
7. A title insurance commitment or a title policy issued by a title insurance company, or an attorney's title opinion, certified to a date not more than sixty (60) days prior to the submittal of the plat vacation to the Department of Planning and Development, showing the names of the

owners of the land and all other persons who have an interest in or an encumbrance on the property described on the vacation plat.

8. The County Treasurer's certification that all prior years' taxes have been paid shall be submitted a minimum of fifteen (15) days prior to consideration by the Board of County Commissioners.

B. If a vacating petition is associated with a request to rezone, the rezoning request may be heard concurrently, but must be voted on independently and said rezoning application will be governed by the requirements and procedures for zoning applications covered elsewhere in this Article 12.

C. The Board of Commissioners shall hear all applications to vacate a recorded plat along with any public street, alley, easement or public way depicted upon it. After receiving a vacation application, the Board shall set a time and a place for a public hearing and shall cause notice of the hearing to be sent to property owners whose property abuts the exterior boundaries of the public street, alley, easement or other public way proposed to be vacated. Such notice shall be sent by first class mail with postage prepaid at least fifteen (15) days but not more than 45 days before the public hearing.

D. Notice shall also be posted in conspicuous places at each end of the public street, alley, easement or public way proposed to be vacated, or upon the adjoining nearest public right-of-way not being vacated. Such notice shall be posted at least fifteen (15) days but not more than 45 days before the public hearing.

E. Notice shall also be published in a newspaper of general circulation in the County at least fifteen (15) days before the public hearing.

F. The Board of County Commissioners may approve the requested vacation, may approve with stipulations or reserve portions of rights-of-way or easements for the continued and/or future use of sewer, gas, water or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone and similar lines and appurtenances, or the Commissioners may deny the requested vacation.

G. Upon approval of the vacation, the affected property owners shall prepare deeds to incorporate the approved vacation description. The deeds shall be submitted to the County Planning and Development Department for recordation with the final plat drawing.

H. Upon approval of the vacation and satisfaction of all conditions imposed on the approval, the accurate drawing using the form and standards of a Final Plat submitted under the requirements of a Minor Administrative Plat along with the required deeds shall be recorded with the Douglas County Clerk of Superior Court at the applicant's expense. Recording the vacation plat and deeds shall divest all public rights in the streets, alleys, public ways or easements and in all dedications laid out or described in the original subdivision plat except where reservation is made therefrom by stipulation of the County Commissioners.

DIVISION VI. - DEVELOPMENTS OF REGIONAL IMPACT AND OTHER REGIONAL REVIEWS.

Sec. 1236 - Developments Requiring Regional Review.

1236 (a) Types of approvals covered.

The provisions of this Division apply to any type of governmental action requested by a private party related to a development project, such as a rezoning or Special Use approval, special exception variance or hardship variance approval, issuance of a development or building permit, or hook-up to a public utility.

1236 (b) Thresholds for regional review.

- (1) Any development project for which any governmental action is requested that meets or exceeds any of the thresholds established by the Georgia Department of Community Affairs (GDCA) shall be considered a Development of Regional Impact (DRI) and will require review by the Atlanta Regional Commission (ARC) and Georgia Regional Transportation Authority (GRTA) when those applicable thresholds are exceeded.
- (2) Any development project for which any governmental action is requested that falls within the Corridor established by the Metropolitan River Protection Act per O.C.G.A. 12-5-449 et seq will require review by the Atlanta Regional Commission (ARC) per the applicable standards of the established Plans and Rules.
- (3) In order to meet all required public notice timelines, any action requiring approval by the Board of Commissioners shall be scheduled for a public hearing only upon receipt of the Final Findings, Notice of Decision or other outcome of the review, regardless of the date of receipt of the trigger action. Once the final outcome of the regional review has been received, the application will be assigned to the next public hearing based on the appropriate filing deadlines as published by the Board of Commissioners.

Sec. 1237 Process for DRI review

1237 (a) Subsequent requests for project approval.

Once the development project has been reviewed by ARC and GRTA and the first governmental action has been granted, no further reviews by ARC or GRTA of subsequent governmental actions need to be reviewed by ARC and GRTA unless the project is significantly or materially revised.

1237 (b) Final action by the County.

- (1) Approval of the first request for governmental action by the County shall not be made on a Development of Regional Impact until final determinations by ARC and GRTA have been received by the County.
- (2) Upon completion of the DRI process and receipt by the County of final determinations by ARC and GRTA, processing of the application for governmental action may proceed. Such findings by ARC and GRTA shall accompany the application and action shall be required by the Board of Commissioners following the adopted procedural provisions of DCA and GRTA regarding DRI reviews prior to approval of such application.

D. Notice shall also be posted in conspicuous places at each end of the public street, alley, easement or public way proposed to be vacated, or upon the adjoining nearest public right-of-way not being vacated. Such notice shall be posted at least fifteen (15) days but not more than 45 days before the public hearing.

E. Notice shall also be published in a newspaper of general circulation in the County at least fifteen (15) days before the public hearing.

F. The Board of County Commissioners may approve the requested vacation, may approve with stipulations or reserve portions of rights-of-way or easements for the continued and/or future use of sewer, gas, water or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone and similar lines and appurtenances, or the Commissioners may deny the requested vacation.

G. Upon approval of the vacation, the affected property owners shall prepare deeds to incorporate the approved vacation description. The deeds shall be submitted to the County Planning and Development Department for recordation with the final plat drawing.

H. Upon approval of the vacation and satisfaction of all conditions imposed on the approval, the accurate drawing using the form and standards of a Final Plat submitted under the requirements of a Minor Administrative Plat along with the required deeds shall be recorded with the Douglas County Clerk of Superior Court at the applicant's expense. Recording the vacation plat and deeds shall divest all public rights in the streets, alleys, public ways or easements and in all dedications laid out or described in the original subdivision plat except where reservation is made therefrom by stipulation of the County Commissioners.

DIVISION VI. - DEVELOPMENTS OF REGIONAL IMPACT.

Sec. 1236 - Developments Requiring Regional Review.

1236 (a) Types of approvals covered.

The provisions of this Division apply to any type of governmental action requested by a private party related to a development project, such as a rezoning or Special Use approval, special exception variance or hardship variance approval, issuance of a development or building permit, or hook-up to a public utility.

1236 (b) Thresholds for regional review.

Any development project for which any governmental action is requested that meets or exceeds any of the thresholds established by the Georgia Department of Community Affairs (GDCA) shall be considered a Development of Regional Impact (DRI) and will require review by the Atlanta Regional Commission (ARC) and Georgia Regional Transportation Authority (GRTA) when those applicable thresholds are exceeded.

Sec. 1237 Process for DRI review

1237 (a) Subsequent requests for project approval.

Once the development project has been reviewed by ARC and GRTA and the first governmental action has been granted, no further reviews by ARC or GRTA of subsequent governmental actions need to be reviewed by ARC and GRTA unless the project is significantly or materially revised.

1237 (b) Final action by the County.

- (1) Approval of the first request for governmental action by the County shall not be made on a Development of Regional Impact until final determinations by ARC and GRTA have been received by the County.
- (2) Upon completion of the DRI process and receipt by the County of final determinations by ARC and GRTA, processing of the application for governmental action may proceed. Such findings by ARC and GRTA shall accompany the application and action shall be required by the Board of Commissioners following the adopted procedural provisions of DCA and GRTA regarding DRI reviews prior to approval of such application.

Article 13. - Appeals

Sec. 1301 - Purpose of Article 13.

This Article describes the process for addressing unusual situations or unique problems that may arise from the strict interpretation or enforcement of this Development Code, including appeals from an administrative decision, for a special exception, and for unique hardships restricting reasonable use of a property.

Sec. 1302 - Types of appeals.

Persons may appeal for relief under the following circumstances:

- (1) When an exception is desired for a particular property from certain requirements of this Development Code, as specified in this Article.
- (2) When compliance with the requirements of this Development Code would create a particular and unique hardship.
- (3) When the requirements for flood damage prevention would create an exceptional hardship or adversely affect an historic structure.
- (4) When aggrieved by an action or an interpretation of the Development Services Director or any other administrative official of the County made under this Development Code. An administrative official is defined as the head of any department subject to these regulations.

Sec. 1303 - Special exception variances.

1303 (a) Appellant.

A request for a special exception variance to mitigate practical difficulties on a property shall be brought by the property owner or, with the owner's permission, the holder of or applicant for a permit for development or construction on the property.

1303 (b) General limitations on relief.

Special Exception Variances shall be limited to relief from the following requirements of this Development Code so that the spirit of this Development Code shall be observed, public safety and welfare secured, and substantial justice done:

- (1) Minimum setbacks for principal and accessory structures.
- (2) Maximum height for principal and accessory structures.
- (3) Minimum residential floor area (nonprofit organizations or manufactured homes).
- (4) Maximum Floor Area Ratio
- (5) Maximum structure footprint
- (6) Minimum lot area when due to right-of-way acquisition by Federal, State or County government action
- (7) Minimum lot width.
- (8) Minimum separation between incompatible uses.

- (9) Public Street frontage.
- (10) Minimum or maximum parking requirements (including numerical requirements and the basis for their calculation-such as square-footage basis versus number of employees basis, geometry/layout of the areas used for parking and circulation).
- (11) Location of automobile or truck parking areas.
- (12) Inter-parcel access requirements between parking lots.
- (13) Zoning buffers and screening.
- (14) Minimum tree density units required for tree conservation.
- (15) Restrictions under the O-LF Landfill Overlay district.
- (16) Restrictions upon sign area, height or location upon the property.

1303 (c) Standards for special exception variance approval.

A special exception variance may be granted upon a finding that the relief from practical difficulty, if granted:

- (1) Would not cause substantial detriment to the public good; and
- (2) Would not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity; and
- (3) Would not diminish and impair property values within the surrounding neighborhood; and
- (4) Would not impair the purpose and intent of the Development Code.

1303 (d) Administrative approval.

- (1) Special exception variances shall be considered by the Planning & Zoning Board unless the variance is approved administratively. Only those variances listed in this Subsection, below, and within the parameters stated, may be considered for administrative approval.
- (2) The Director of Development Services, upon a finding that a special exception variance meets the standards for approval contained in this Section, may administratively approve such special exception variance within and not exceeding the following parameters:
 - a. Minimum building setbacks for principal and accessory structures.
Not to exceed a reduction in the minimum setback required by 15%, except the front setback may be reduced or waived if the parking is located in the side or rear yards.
 - b. Maximum building height for principal and accessory structures and fences/walls.
Not to exceed an additional 4 feet above the maximum allowed.
 - c. Minimum building floor area.
For a single family detached residence to be constructed by a nonprofit organization, floor area reductions to no less than 1,300 square feet. For all other residential types, a reduction not to exceed 10% of the minimum district standards. For residences in the Manufactured Home Parks all requests under the minimum requirement of 900 square feet require administrative approval.

d. Parking requirements

Not to exceed a reduction from the minimum required by 15%, nor an increase in the maximum allowed by 15%. To allow for the basis of calculation for spaces needed to utilize the maximum main shift employee counts or the table of square footage-based requirements expressed in this Article to provide flexibility in tailoring parking space needs to specific use requests.

e. Automobile or truck parking areas.

The location of automobile or truck parking areas as appropriate to the site.

f. Inter-parcel access.

Modification or waiver of inter-parcel access requirements except that no parcel shall be created that lacks access to a public right of way.

g. Tree density units.

A reduction in the minimum required tree density standard for a project of no more than 10%, upon recommendation of the County Arborist.

h. Sign area, height or location upon the property not to exceed a 15% deviation from the requirements.

h. O-LF Landfill Overlay district restrictions.

Waiver or reduction of the restrictions imposed by the O-LF Landfill Overlay district, provided that:

1. The approval of the landfill operator has been obtained by the appellee; and
2. There shall remain no less than 500 feet between an existing or future landfilling area and a residence and its attendant potable water well.

i. Watershed protection overlays.

Up to 25% variance of the dimensional restriction of the Watershed Protection Overlay is allowed based on hardship and or practical difficulties from the physical attributes of the property upon the recommendation of the Planning & Zoning Director and the Assistant County Engineer. State mandated buffers are not included.

j. Building footprint.

Maximum building footprint not to exceed and increase of 15%.

k. Floor Area Ratio.

Maximum floor area ratio not to exceed 15%.

- (3) Residential Infill Developments - The Director of Development Services, upon a finding that a special exception variance for development of residences constructed on vacant lots that are interspersed among other residential structures in established developments or neighborhoods which meet the standards for approval contained in this Section, may

administratively approve such special exception variance within and not exceeding the following parameters:

a. Architecture.

Be of similar architectural style and finish to structures currently existing in the immediate vicinity along the street frontage of the proposed structure.

b. Setback.

The front yard setback within residential zoning districts shall not apply where the average existing building setback line is less than the minimum required in a substantially developed area on lots located within 200 feet on each side of such lot within the same zoning district and fronting the same side of the street. In such case, the setback on such vacant lot may be less than the required setback, but not less than the average of the existing setback for the two adjoining residences on either side of the lot in question.

c. Maximum building height.

Not to exceed an additional 4 feet above the average of the two adjacent structures on the same side of the street frontage of the proposed structure.

1303 (e) Restriction on refiling a special exception variance if denied.

If denied, an appeal for a special exception variance affecting the same property shall not be reconsidered for a period of 6 months from the date of denial; provided, however, that the Planning & Zoning Board may reduce the waiting period under extenuating circumstances or on its own motion.

1303 (f) Limitations on special exception variance approval.

In no case shall a special exception variance be granted from the conditions of approval imposed on a property through a zoning change granted by the Board of Commissioners.

Sec. 1304 - Hardship variances.

1304 (a) Appellant.

A request for a hardship variance on a property shall be brought by the property owner or, with the owner's permission, the holder of or applicant for a permit for development or construction on the property.

1304 (b) Hardship variances; general.

- (1) The Planning & Zoning Board may authorize upon appeal in specific cases such variances from the terms of this Development Code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the zoning standards or the subdivision standards will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of this Development Code shall be observed, public safety and welfare secured and substantial justice done. (The existence of nonconforming use of

neighboring land, buildings or structures in the same district or of permitted or nonconforming uses in other districts shall not constitute a reason for the requested variance.)

- (2) Such relief may be granted only to the extent necessary to alleviate such unnecessary hardship and neither as a convenience to the applicant nor to gain any advantage or interest over similarly zoned properties.

1304 (c) Standards for hardship variance approval.

Such variances may be granted in such individual case of unnecessary hardship upon a finding by the Planning & Zoning Board that all of the following conditions exist:

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.
- (2) The application of the zoning or subdivision ordinance to this particular piece of property would create an unnecessary hardship.
- (3) Such conditions are peculiar to the particular piece of property involved.
- (4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this ordinance.

1304 (d) Limitations on hardship variance approval.

- (1) An appeal may not be taken from the Planning & Zoning Commission or from the Board of Commissioners to the Planning & Zoning Board.
- (2) In no case shall a hardship variance be granted for any of the following:
 - a. A condition created by the applicant, including the result of an unwise investment decision or real estate transaction.
 - b. A change in the conditions of approval imposed through a rezoning granted by the Board of Commissioners.
 - c. Reduction of a minimum lot size required by a zoning district.
 - d. A use of land or buildings or structures that is not permitted by the zoning district that is applicable to the property.
 - e. Any increase in the number of dwelling units or nonresidential building floor area otherwise permitted by the zoning district that is applicable to the property.
 - f. Any request that would increase the maximum height, floor area ratio, lot coverage, or other dimensional requirement, the maximum number of parking spaces, stories, seats, occupants, clients, students, or other requirement by more than 25 percent above the maximum specified by this Development Code.

1304 (e) Restriction on refiling a hardship variance if denied.

If denied, an appeal for a hardship variance affecting the same property shall not be reconsidered for a period of 6 months from the date of denial; provided, however, that the Planning & Zoning Board may reduce the waiting period under extenuating circumstances or on its own motion.

Sec. 1305 - Floodplain management variances.

Floodplain management variances are filed with the Floodplain Variance Board through the WSA. See Article 11 for procedures and details.

Sec. 1306 - Appeals of an administrative decision.

1306 (a) Appellant.

Any person aggrieved by an administrative action or interpretation of an administrative official may initiate an appeal to the Planning & Zoning Board.

1306 (b) Initiation of administrative appeal.

- (1) An administrative appeal shall be taken within 30 days of the action or interpretation appealed from, by filing the appeal in writing with the Development Services Director. The Development Services Director shall transmit a notice of said appeal to the Planning & Zoning Board specifying the grounds thereof or to the Board of Commissioners as appropriate.
- (2) It is the intention of this Code that all questions arising in connection with the enforcement of this code shall be presented first to the Development Services Director and that such question shall be presented to the Planning & Zoning Board or Board of Commissioners only on appeal from the decision of the Development Services Director.
- (3) The holder of or applicant for a development permit or a building permit may appeal any action taken by an administrative official, including the following:
 - a. The suspension, revocation, modification or approval with conditions of a development permit by the Development Services Director upon finding that the holder is not in compliance with the approved erosion and sedimentation control plan or other approved plans.
 - b. The determination that the holder is in violation of development permit or building permit conditions.
 - c. The determination that the holder is in violation of any other provision of this Development Code or any provisions of a condition of approval within any zoning action ordinance as approved by the County Commissioners.

1306 (c) Temporary suspension of legal proceedings.

An appeal of an administrative decision stays all legal proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is made certifies to the Planning & Zoning Board, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would, in such administrator's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Planning & Zoning Board or by a court of record on application, on notice of the Development Services Director and on due cause shown.

1306 (d) Action by the Planning & Zoning Board or Board of Commissioners.

- (1) The Planning & Zoning Board or Board of Commissioners, upon an administrative appeal by an aggrieved party or at the request of the Development Services Director, shall:

- a. Decide appeals from any order, determination, decision or other interpretation by any person acting under authority of this Development Code, where a misinterpretation or misapplication of the requirements or other provisions of this Development Code is alleged.
 - b. Interpret the use of words or phrases within the context of the intent of this Development Code.
 - c. Determine the boundaries of the various zoning districts where uncertainty exists.
 - d. Interpret such other provisions of this Development Code as may require clarification or extension in specific or general cases.
- (2) Decisions of the Planning & Zoning Board or Board of Commissioners.
- a. In exercising its powers on administrative appeals, the Planning & Zoning Board or Board of Commissioners may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination and to that end shall have all the powers of the official from whom the appeal is taken and may issue or direct the issuance of a permit.
 - b. The concurring vote of a majority of the members of the board that are present shall be necessary to reverse any order, requirement, decision or determination of the official, or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to effect any variation of this ordinance.

Sec. 1307 - Process for granting an appeal.

1307 (a) Application and initial actions.

- (1) Upon receiving a notice of an appeal, the Development Services Director shall assemble such memos, papers, plans, or other documents as may constitute the record for the appeal or as may provide an understanding of the issues involved.
- (2) An application for an appeal shall include such descriptions, maps or drawings as needed to clearly illustrate or explain the action requested. The Development Services Director may request such additional information from the appellant as necessary to provide a full understanding of the appellant's request.
- (3) Once the record has been assembled, the Development Services Director shall:
 - a. Review appeals from an administrative decision and special exception variances eligible for administrative approval for possible resolution or approval, respectively;
 - b. Schedule unresolved appeals for consideration at the next meeting of the Planning & Zoning Board or Board of Commissioners for which adequate public notice can be given; and
 - c. Send a letter by first class mail to the applicant or his attorney notifying the appellate of either 1) administrative resolution of the matter or 2) the date, time and place of the public hearing.

1307 (b) Public notice.

- (1) At least 15 or 30 days prior to the public hearing, whichever is appropriate for the type of zoning decision being heard, notice shall be published in a newspaper of general circulation within the county. The notice shall state the time, place and purpose of the hearing.

- (2) A request for an unresolved special exception variance, a hardship variance or a flood damage prevention variance shall be heard at a public hearing only upon:
 - a. The published notice, in addition to the requirements above, shall include the location of the property, the present zoning classification of the property, and the nature of the requested action; and
 - b. At least 15 days prior to the public hearing, the applicant shall post a sign or signs provided by the Development Services Department stating the date, time and place for the public hearing, the present zoning classification and the nature of the requested action. One such sign shall be placed in a conspicuous location every 300 feet along each street frontage of the subject property. If the property has no street frontage, the sign shall be placed on each street at the location from which access will be gained to the property.

1307 (c) Vesting of variance

After an approval has been granted by the Planning & Zoning Board for a variance, the applicant, agent or property owner has 24 months to vest the variance approval. To vest a variance approval and forego its expiration, the applicant must lawfully initiate the variance. If the applicant, agent or property owner fails to vest the variance, it will expire.

1307 (d) Withdrawal.

Any appellant wishing to withdraw an appeal prior to the meeting of the Planning & Zoning Board shall file a written request for such withdrawal with the Development Services Director. The appeal shall thereupon be removed from the Board's agenda and the request shall have no further effect.

1307 (e) Attendance requirements.

The appellant or representative of the appellant shall be required to attend all public hearings on the appeal. The failure to attend may result in dismissal with prejudice, rejection of the appeal, or continuance of the hearing at the board's sole discretion. Failure of the appellant or appellant's representative to appear at the next regularly scheduled hearing shall result in automatic dismissal with prejudice.

1307 (f) Planning & Zoning Board public hearing.

- (1) The Chair or the Vice Chair or their designee, who shall act as the Presiding Official, shall convene the public hearing at the scheduled time and place.
- (2) The Presiding Official may administer oaths and compel the attendance of witnesses by subpoena.
- (3) The Development Services Director shall submit the assembled record of the appeal to the Planning & Zoning Board or Board of Commissioners. The Development Services Director, or other appropriate party if the appeal was taken from an administrative action or interpretation, shall provide such information or explanation as appropriate to the circumstances of the appeal.
- (4) At the public hearing, the appellant may appear in person or may be represented by counsel. The following rules shall apply in the conduct of the public hearing:
 - a. The presiding official shall conduct the public hearing as a quasi-judicial proceeding.

- b. For each quasi-judicial zoning decision as referenced in Section 1202(b), the appellant and shall have no less than 10 minutes for the presentation of data, opinions and evidence at the public hearing, and opponents of the application shall likewise have a minimum of 10 minutes for presentation.
 - c. The appellant shall first present evidence to the Board. After the appellant has completed the presentation of evidence, opponents shall present such relevant evidence as they think appropriate after being recognized by the presiding official.
 - d. All parties participating in the public hearing shall introduce only relevant evidence.
 - e. All parties participating shall have the right to present witnesses and to cross-examine witnesses.
 - f. The appellant shall have an opportunity to present rebuttal evidence, but such evidence shall be limited to points or issues raised by the opponents.
 - g. The public hearing shall be tape recorded, either by videotape or by audiotape, in order to provide a verbatim record of the hearing.
- (5) Following the public hearing, the Planning & Zoning Board or Board of Commissioners shall make a decision and adopt reasons supporting the decision. Such decision shall reflect the vote of the Board, as follows:
- a. A motion to approve or deny an appeal must be approved by an affirmative vote of at least a majority of the members present in order for the motion to be approved.
 - b. If a motion to approve an appeal fails, the appeal is automatically denied. If a motion to deny an appeal fails, another motion would be in order.
 - c. A tie vote on a motion for approval of an appeal shall be deemed a denial of the appeal. A tie vote on any other motion shall be deemed to be no action, and another motion would be in order.
- (6) In taking action on an appeal, the Planning & Zoning Board or Board of Commissioners may:
- a. Approve, approve with changes, or deny the request; or,
 - b. Table the appeal for consideration at its next scheduled meeting; or,
 - c. Allow withdrawal of the appeal at the request of the appellant.

Sec. 1308 - Decisions by the Planning & Zoning Board.

1308 (a) Written decision.

On all appeals, applications and other matters brought before the Planning & Zoning Board or Board of Commissioners, said board shall inform in writing all the parties involved of its decisions and the reasons therefore within 10 days of the date of the decision.

1308 (b) Decision final.

A decision of the Planning & Zoning Board or Board of Commissioners shall be final and may be appealed only to a court of competent jurisdiction. Such appeal must be taken within 30 days of the decision of the Planning & Zoning Board.

Sec. 1309 - Temporary suspension of permitting.

Upon submission of a valid application for the granting of an appeal on a property, no permits shall be issued nor shall any actions be undertaken on the property that may be affected by the outcome of such application.

Article 14. - Administration and Enforcement

Sec. 1401 - Purpose of Article 14.

This Article sets out the structure for administering, amending and enforcing this Development Code, including the responsibilities of the various administrative officers in carrying out enforcement activities, and penalties for violations.

DIVISION I. - ADMINISTRATION.

Sec. 1402 - Administrative roles.

1402 (a) Development services director.

The Development Services Director is responsible for the receipt, review and processing of all applications for rezoning, special use approval, subdivision approval and recording, site plan approval, text amendments, and appeals filed with the County. Building inspection and code enforcement responsibilities also fall under the Department of Development Services.

1402 (b) County engineer.

- (1) The County Engineer is responsible for the review and processing of all applications related to land-disturbing activity, the construction of development projects, and the construction of streets and related facilities.
- (2) The County Engineer is responsible for enforcement of all requirements and restrictions of this Development Code relating to the engineering design of subdivision improvements and development projects, the construction of streets related to land development projects, and coordination of the installation of public and private utilities by others.

1402 (c) Transportation director.

The Department of Transportation Director is responsible for the operation, maintenance, expansion and future development of the County Transportation System and all related facilities. This responsibility includes but is not limited to, planning, access management, design review/approval, utility permit approval and jurisdictional coordination of transportation plans with other state and local agencies.

1402 (d) Water and sewer authority.

The Douglasville-Douglas County Water and Sewer Authority is responsible for the review and approval of all engineering and construction plans for erosion and soil sedimentation control, stormwater management, floodplain management and for public water and sewerage systems, for their inspection during construction, and for enforcement regarding their continued maintenance and operation.

1402 (e) Environmental services division.

The Environmental services division of the Douglas County Health Department is responsible for the review and approval of individual on-site sewage disposal systems (septic tanks) and community water and sewerage systems (subject to agreement by the Water and Sewerage Authority), inspection during installation, and enforcement of its rules and regulations.

1402 (f) Chief building official.

Acting under authority of the Development Services Director, the Chief Building Official is responsible for the proper construction of buildings and structures, the issuance of Certificates of Occupancy, and continuing conformance to the provisions of the Building Code.

1402 (g) Code enforcement officer.

Acting under authority of the Development Services Director, the Code Enforcement Officers provide support through investigations and issuance of warnings, citations and summonses related to the use and occupancy of land and buildings.

1402 (h) Plans review coordinator.

Acting under authority of the Development Services Director, the Plans Review Coordinator receives all plans, construction drawings, subdivision plats and site plans related to project approval, the issuance of development permits, the filing of final subdivision plats and the review of Developments of Regional Impact (DRIs). The Plans Review Coordinator distributes all such plans and plats to other County departments and other agencies as appropriate for review, comment and approval, and coordinates the review process between the County and the applicant.

Sec. 1403 - Schedules and fees.

From time to time, the Board of Commissioners may adopt fees for the issuance of permits, the submission of applications, and such other activities and authorizations as regulated by this Development Code, and may adopt schedules of dates, times and places as appropriate and necessary to regulate the application, review and hearing processes required by this Development Code.

DIVISION II. - APPOINTED BOARDS.

Sec. 1404 - Planning & Zoning Board.(Amended 06/2005)

1404 (a) Establishment. *(Amended 02/07/2017 - TXT-2017-01, § 3; Amended 02/03/2015 - TXT-2015-01, § 4)*

- (1) A Planning & Zoning Board is hereby created. The Planning & Zoning Board shall consist of seven (7) members, who shall be residents of the County.
- (2) The County Commission shall appoint a chairman and six (6) members to the Planning & Zoning Board. Each district commissioner shall appoint one member to the Planning & Zoning Board from their respective commission district. The Chairman of the Planning & Zoning Board and the At-Large member may be appointed from any commission district. Each member shall be appointed to a four-year term, beginning on June 1. The terms of the Chairman and three (3) members shall terminate in odd-numbered years beginning in 2007, and the terms of the other three (3) members shall terminate in even-numbered years beginning in 2006.
- (3) A member of the Planning & Zoning Board may be appointed to successive terms, and shall continue to serve if their term expires until a successor is appointed.
- (4) A member may be removed from the Planning & Zoning Board by a majority vote of the County Commission for cause, for absenteeism at three (3) successive called or regular meetings or absenteeism at six (6) such meetings in a calendar year, or for other reasons the County Commission may deem appropriate.
- (5) When a position becomes vacant before the end of a term, the County Commission shall appoint a new member for the duration of the term remaining.

1404 (b) Qualifications of Members.

- (1) The County Commission shall make the sole determination as to the qualifications of any person in meeting the requirements for membership on the Planning & Zoning Board.
- (2) The Chairman shall have demonstrated the ability to conduct meetings, organize debate and to act in the public interest of the County as a whole.

- (3) One (1) member of the Planning & Zoning Board, other than the Chairman, shall be a member of the Douglas County Board of Educations or designee.

1404 (c) Proceedings of the Planning & Zoning Board. (Amended 02/07/2012 - TXT-2012-01, § 2;
Amended 11/01/2011 - TXT-2011-02, § 5)

- (1) The Planning & Zoning Board shall elect a Vice-Chairman from among its members, who shall serve for one (1) year or until re-elected or until their successor is elected. The Vice-Chairman shall preside at meetings in the absence of the Chairman.
- (2) The Planning & Zoning Board may adopt such by-laws, rules or procedures as appropriate and not in conflict with the Zoning Ordinance or policies adopted by the County Commission. These rules shall be a public record.
- (3) The Planning & Zoning Board shall meet each month in accordance with the schedule of meeting dates and times approved by the County Commission. Other meetings of the Planning & Zoning Board shall be held at the call of the Board of Commission Chairman if there is business to be brought before it, or at such times as the Planning & Zoning Board may determine. All meetings of the Planning & Zoning Board shall be open to the public.
- (4) The Planning & Zoning Board shall conduct all meetings adhering to Robert's Rules of Order Newly Revised 10th Edition.
- (5) All Planning & Zoning Board members attending a meeting shall vote on each matter placed before it. A member may abstain from voting only in the instance of a conflict of interest, the nature of which must be stated for the record.
- (6) A majority of the entire Planning & Zoning Board shall constitute a quorum. A quorum shall be necessary to conduct any public hearing and render any decision or recommendation. An affirmative vote of at least a majority of the members present is required to make any approval or recommendation.
- (7) The Director of Development Services or his designee shall serve as secretary to the Planning & Zoning Board. The secretary shall cause minutes of its proceedings to be kept, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall cause records of its examinations and other official actions to be kept in the form of written minutes, all of which shall be of public record.
- (8) The Planning & Zoning Board shall not have the power to sue, nor shall it be a legal entity for the purpose of being sued.

1404 (d) Powers and Duties of the Planning & Zoning Board.

- (1) The Planning & Zoning Board shall have the duty and responsibility to conduct a public hearing on each application for rezoning or special use approval, to review the application in accordance with the standards and procedures set forth in this Unified Development Code, and to make such recommendations to the County Commission as it deems appropriate on each application.
- (2) The Planning & Zoning Board shall also have the duty and responsibility to conduct a public hearing on any proposed amendment to the text of this Unified Development Code, to review such proposed amendment in accordance with the standards and procedures set forth in this Code, and to make such recommendations to the County Commission as it deems appropriate.
- (3) The Planning & Zoning Board shall also have the authority to initiate on its own motion a zoning change or an amendment to the text of this Code when, in its determination, such changes are appropriate for consideration.
- (4) The Planning & Zoning Board shall also have the authority and responsibility to review the provisions of the County's Comprehensive Plan from time to time, and to make such recommendations to the County Commission as it deems appropriate.

- (5) The Planning & Zoning Board shall also have the authority and responsibility to conduct a public hearing on appeals from an administrative decision, for a special exception, and for unique hardships restricting reasonable use of a property, to review the application in accordance with the standards and procedures set forth in this Development Code and shall make a decision. *(Amended 03/2006)*
- (6) The Planning & Zoning Board shall also have such other powers, duties or responsibilities as assigned to it by the County Commission.

1404 (e) Additional Powers and Duties.

- (1) All public officials shall, upon request, furnish to the Planning & Zoning Board, within a reasonable time, such available information as it may require for its work. The Planning & Zoning Board, its members and employees, in the performance of its or their functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the Planning & Zoning Board shall have such powers as may be necessary to enable it to perform its functions and promote the planning of its political jurisdiction.
- (2) The County Commission may authorize or direct the Planning & Zoning Board to hold hearings and perform other services.

1404 (f) Comprehensive Plan and Future Land Use Map.

It shall be the duty of the Planning & Zoning Board, subject to the approval of the Board of Commissioners, to make a comprehensive plan of its political jurisdiction and to perfect it from time to time. The comprehensive plan shall be based upon and include appropriate studies of the location and extent of present and anticipated population, social and economic resources and problems and other useful data. Such plan may be adopted, added to and changed from time to time, upon the recommendation of the Planning & Zoning Board and with the approval of the Board of Commissioners. In addition, the Planning & Zoning Board, subject to the approval of the Board of Commissioners, shall be authorized to make a future land use map of the political jurisdiction which shall show the use of land in the political jurisdiction in the future. This plan may be changed from time to time upon recommendation of the Planning & Zoning Board with the approval of the Board of Commissioners. Its purpose and effect shall be solely to aid the Planning & Zoning Board and the Board of Commissioners in the performance of its duties related to Development Services in Douglas County. The future land use map will be a part of the comprehensive plan and together will represent the future land use policy for Douglas County.

DIVISION III. - TEXT AMENDMENTS.

This Development Code may be amended from time to time in whole or in part by the Board of Commissioners under the provisions of this Division.

Sec. 1405 - Initiation of text amendments.

The Board of Commissioners, Planning & Zoning Board or the Development Services Director may propose a change to the text of this Development Code when public necessity, general welfare or good zoning practice justifies such action. *(Amended 05/03/2007 - TXT2007-04)*

Sec. 1406 - Text amendment process.

Before the Board of Commissioners may take final action on a proposed text amendment, the Planning & Zoning Board and the Board of Commissioners shall hold a public hearing on the proposal. For the purposes of this article, the term "amendment" or "amendments" shall mean any text change(s) to the UDC. The Planning & Zoning Board may consider proposed text change(s) individually or collectively during a scheduled and advertised public hearing notwithstanding anything herein to the contrary. The Board of Commissioners may consider any proposed text change(s) individually or collectively after the public hearing requirements have been met as described in this article. *(Amended 06/05/2007 - TXT2007-05)*

1406 (a) Public notice.

At least 15 days but not more 45 days prior to the public hearing, notice is to be published in a newspaper of general circulation within the county. The notice is to state the time, place and purpose of the hearing.

1406 (b) Public hearings; procedures.

The public hearing held by the Planning & Zoning Board and the Board of Commissioners for a text amendment shall be conducted in the following manner:

- (1) The public hearing is to be convened at the scheduled time and place by the Chair or an appointed designee, who will act as the Presiding Official.
- (2) The Presiding Official shall call for the proposed text amendment to be presented. *(Amended 06/05/2007 - TXT2007-05)*
- (3) No person in attendance is to speak unless first formally recognized by the Presiding Official. Upon rising to speak each person recognized is to state their name and home address.
 - a. The Presiding Official may place reasonable limits on the number of persons who may speak for or against a proposal, on the time allowed for each speaker, and on the total time allowed for presentation of the proposed zoning change.
 - b. No less than 10 minutes shall be provided for all of those speaking in support of a text amendment and no less than 10 minutes shall be provided for all of those speaking against, unless such proponents or opponents take less time than the minimum allowed.
 - c. If reasonable time limitations permit, any member of the general public may speak at a hearing.

During the public hearing, the Planning & Zoning Board and the Board of Commissioners members may ask questions at any time. Time devoted to questions and answers will not be counted against any time limitations that have been imposed on presentations.

1406 (c) Decision on a text amendment.

- (1) The Planning & Zoning Board, following its public hearing, shall make its recommendation to the Board of Commissioners. Failure to make a recommendation shall go forward to the Board of Commissioners as "no comment." *(Amended 02/2005)*
- (2) Following its public hearing and after receipt of the Planning & Zoning Board recommendation, the Board of Commissioners shall consider the text amendment and take final action. *(Amended 02/2005)*
- (3) In considering a text amendment, action shall be considered by vote of the members present.
 - a. A motion to approve or deny an amendment must be approved by an affirmative vote of at least a majority of the members present in order for the motion to be approved. *(Amended 11/01/2011 - TXT-2011-02, § 6)*
 - b. If a motion to approve an amendment fails, the amendment is automatically denied. If a motion to deny an amendment fails, another motion would be in order.
 - c. A tie vote on a motion for approval of an amendment shall be deemed a denial of the amendment. A tie vote on any other motion shall be deemed to be no action, and another motion would be in order.
 - d. If no action is taken on an amendment, it shall be considered tabled and action deferred to the next regular meeting.
- (4) In taking final action on an amendment, the Board of Commissioners may:
 - a. Approve, approve with changes, or deny the proposal; or,

- b. Table the proposal for consideration at its next scheduled meeting; or
- c. Return the proposed amendment to the Planning & Zoning Board for further consideration.

Sec. 1407 - Standards for text amendments.

The Planning & Zoning Board and the Board of Commissioners shall consider the following standards in considering any proposal that would result in a change to the text of this Development Code, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:

- (1) Is the proposed amendment consistent with the purpose and intent of this Development Code as stated under Article 1?
- (2) Does the proposed amendment further or is it compatible with the purpose and intent of the Comprehensive Plan?
- (3) Is the proposed amendment required to adequately address new or changing conditions or to properly implement the Comprehensive Plan?
- (4) Does the proposed amendment reasonably promote the public health, safety, morality or general welfare?

Sec. 1408 - Effect of text amendment approval.

- (1) Approval of a text amendment shall be in full force and effect upon its approval by the Board of Commissioners or upon the stated effective date thereof.
- (2) For a property on which a use, building, structure or other improvements existed in conformity with this Development Code prior to the effective date of a text amendment affecting the property, any such use, building, structure or other improvements no longer in conformance shall be governed by the provisions for Nonconformities under Article 1 of this Development Code, as applicable.
- (3) Construction of any use, building, structure, or other improvements for which a building permit has been issued in conformity with this Development Code prior to the effective date of a text amendment may continue to completion as though no change had occurred and, upon completion, shall be governed by the provisions for Nonconformities under Article 1 of this Development Code, as applicable.

DIVISION IV. - ENFORCEMENT.

Sec. 1409 - Permit required.

It shall be unlawful to commence the excavation or filling of any lot for any construction of any building, or to commence construction of any building, or to commence the moving or alteration of any building, or to commence the development of any land for a use not requiring a building permit, until the necessary permit for the construction, land disturbance or development of the property has been issued under the Procedures and Permits Article of this Development Code.

Sec. 1410 - Inspection and enforcement.

1410 (a) Enforcement officer. *(Amended 08/04/2015 - TXT-2015-03, § 2)*

- (1) With the exception of those activities included under the Erosion Control and Stormwater Management Article, the provisions of this Development Code shall be administered and enforced by the zoning administrator, code enforcement officers and other designated employees of the Development Services Department, who shall have authority to make inspections of buildings and lands necessary to carry out duties in the enforcement of this Development Code.

- (2) Officials of the Douglasville-Douglas County Water & Sewer Authority shall be responsible for the administration and enforcement of those activities included under the Erosion Control and Stormwater Management Article of this Development Code.
- (3) Officials of the animal control department shall have the authority to assist the code enforcement officer in the enforcement of those provisions of this Development Code dealing with the regulation of animals and fowl.
- (4) The Code Enforcement Officer will receive complaints, investigate violations, issue a notice of violation and proceed with enforcement activities to ensure correction of violations. If in the opinion of the Development Services Director a violation constitutes a threat to public health or welfare, emergency abatement actions may be permitted with assistance from other county departments and the sheriff.

1410 (b) Inspection; warrants. *(Amended 08/04/2015 - TXT-2015-03, § 3)*

In addition to those other procedures provided by this Code, those enforcement officers defined in Section 1410(a) above are authorized to obtain an inspection warrant under the conditions specified below. Such warrant shall authorize the requesting person to conduct a search or inspection of property, either with or without the consent of the person whose property is to be searched or inspected, under the conditions set out in this Section.

- (1) Inspection warrants may be issued by a court of competent jurisdiction when the issuing judge is satisfied that the following conditions have been met:
 - a. The person seeking the warrant must establish under oath or affirmation either (1) that the property to be inspected is to be inspected as a part of a legally authorized program of inspection which includes that property; or (2) that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of that property; and
 - b. The issuing judge determines that the issuance of the warrant is otherwise authorized by this Section.
- (2) The inspection warrant shall be valid only if it meets the following requirements:
 - a. The warrant is attached to the affidavit required to be made in order to obtain the warrant;
 - b. The warrant describes, either directly or by reference to the affidavit, the property to be inspected and is sufficiently accurate that the executor of the warrant and the owner or possessor of the property can reasonably determine from it the property for which an inspection is authorized;
 - c. The warrant indicates the conditions, objects, activities, or circumstances for which the inspection is intended to check or reveal; and
 - d. The warrant refers, in general terms, to the ordinance provisions sought to be enforced.

1410 (c) Land development activities.

Inspection and enforcement activities, including the resolution or prosecution of violations, of land-disturbing activities related to soil erosion and sedimentation control, stormwater management or floodplain management, are found under the Erosion Control and Stormwater Management Article of this Development Code.

1410 (d) Land use and other provisions.

- (1) Inspection.
If the Code Enforcement Officer finds that a provision of this Development Code is being violated relating to the use or occupancy of land or structures, lot standards, landscaping, buffers, tree conservation, parking, signage, street construction or any other standard or

provision (other than land development activities as may be enforced by the WSA), or relating to a condition of approval established in connection with a grant of variance or zoning change, he shall notify the person responsible for such violation in writing (which notification may consist of an order to cease and desist the violation). The notification shall indicate the nature of the violation and order the action necessary to correct it. Upon continuing noncompliance, or initially in the case of an immediate threat to the public health or safety, the Code Enforcement Officer shall have authority to prosecute violations in court.

(2) Notice of Violation.

If the Code Enforcement Officer determines that a property owner, occupant or other responsible person has failed to comply with the requirements and provisions of this Development Code, he or she shall issue a written notice of violation to such owner, occupant or other responsible person. Where a person is engaged in activity covered by this Code without having first secured a permit therefor, the notice of violation shall be served on the owner, occupant or the responsible person in charge of the activity being conducted on the site.

The notice of violation shall contain:

- a. The name and address of the owner, occupant or the responsible person;
- b. The address or other description of the site upon which the violation is occurring;
- c. A statement specifying the nature of the violation;
- d. A description of the remedial measures necessary to bring the action or inaction into compliance with this Code and the date for the completion of such remedial action;
- e. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,
- f. A statement that the determination of violation may be appealed to the Board of Appeals by filing a written notice of appeal within 30 days after the notice of violation (except that, in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient).

1410 (e) Removal of illegal signs.

The Code Enforcement Officer may order the removal of any sign in violation of this Development Code by written notice to the permit holder; or if there is no permit holder, then to the owner of the sign; or if the sign owner cannot be found or cannot be determined, then to the sign erector and any party that procured the erection of the sign. If a permit was issued, such notice shall operate to revoke the permit. The removal order shall be issued only after the appropriate party fails to comply within 7 days after the County gives written notice of non-compliance.

(1) Procedure following removal order.

An aggrieved party may appeal the removal order within 10 days from the date that the notice was mailed. Such appeal shall be made to the Board of Appeals. If the sign is not removed within 30 days after the order of removal (or 30 days after the date any appeal becomes final), the Code Enforcement Officer is authorized to remove or cause to be removed the sign and to collect the costs thereof as provided below.

(2) Removal without notice.

- a. The Code Enforcement Officer or any other agent of the County having jurisdiction under the circumstances may remove or direct the removal of any sign in violation of this Development Code, without giving notice to any party, if:
 1. Said sign is upon the public right-of-way or upon other public property; or

2. Said sign poses an immediate safety threat to the life or health of any members of the public.
 - b. Following such removal, the County may collect the costs as provided in the following section.
- (3) Costs of removal.
- a. Removal of any sign found in violation shall be without liability to the County, its officers, agents, and employees. The permit holder shall be primarily responsible for the costs of removal. If there is no permit holder, then the sign owner shall be responsible. If the sign owner cannot be determined, then the costs of removal shall be the responsibility of the sign erector and any party that procured the erection of the sign.
 - b. If payment or arrangement to make payment is not made within 60 days after the receipt of a statement of removal costs, the Code Enforcement Officer shall certify the amount thereof for collection to the County Attorney. In the event the removed sign(s) remains unclaimed for more than one year from the date of impound, the sign(s) shall be disposed of in accordance with state law.
 - c. Costs of removal shall be charged in accordance with a fee schedule adopted by the Board of Commissioners from time to time, or at the actual cost to the County, whichever is more appropriate to the action taken.

Sec. 1411 - Violation and penalties.

Every violation of the terms of this Code by any person, firm or corporation shall be termed a nuisance and a continuing nuisance so long as such violation may be continued and such violation may be subject to abatement as a nuisance as provided by the laws of this state. This Code may be enforced by the Development Services Director, County Engineer, Water & Sewer Authority Executive Director, code enforcement officer, sheriffs department, fire department, health department, chief building official, and building inspector.

1411 (a) Violation a misdemeanor.

Any firm, person or corporation who shall do anything prohibited by these regulations as the same exist or as they may hereafter be amended or who shall fail to do anything required by these regulations as they now exist or as they may hereafter be amended, upon conviction of a violation shall be subject to punishment as provided by law. The owner of any buildings or premises or parts thereof where anything in violation of this ordinance shall be placed or shall exist and any architect, builder, contractor or agent of the owner who may have assisted in the commission of such violation shall be punished as for a misdemeanor.

1411 (b) Penalties.

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Code Enforcement Officer shall first notify the owner, occupant or other responsible person in writing of his or her intended action, and shall provide a reasonable opportunity, of not less than 10 days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Code Enforcement Officer may take any one or more of the following actions or impose any one or more of the following penalties:

- (1) Cease and desist order.

The Code Enforcement Officer shall order discontinuance of the illegal use of land, buildings or structures; removal or relocation of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of illegal work being done; or shall take any other appropriate or necessary action to ensure compliance with or to prevent violation of the provisions of this Development Code.

(2) Stop-work order.

The Code Enforcement Officer may issue a stop-work order, which shall be served on the owner, occupant or other responsible person. The stop-work order shall remain in effect until the owner, occupant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop-work order may be withdrawn or modified to enable the owner, occupant or other responsible person to take the necessary remedial measures to cure such violation or violations.

(3) Suspension, revocation, or modification of permit.

The Code Enforcement Officer may suspend, revoke, or modify any permit authorizing a project. A suspended, revoked, or modified permit may be reinstated after the owner, occupant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the Code Enforcement Officer may deem necessary) to enable the owner, occupant or other responsible person to take the necessary remedial measures to cure such violations.

(4) Civil penalties.

In the event the owner, occupant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within 10 days, or such greater period as the Code Enforcement Officer shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) after the Code Enforcement Officer has taken one or more of the actions described above, the Director of Development Services may impose a penalty not to exceed \$1,000 (depending upon the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

(5) Criminal penalties.

For intentional and flagrant violations of this Code, the Code Enforcement Officer may issue a citation to the owner, occupant or other responsible person, requiring such person to appear in the magistrate or other court of competent jurisdiction to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense. The guilty party shall pay all court costs as determined by the court.

1411 (c) Additional remedies.

(1) Injunction of activities.

Any violation of any provision or requirement of this Development Code shall constitute a nuisance. Douglas County may institute an action or proceeding as provided by law or ordinance to restrain, correct or abate the violation; to prevent occupancy of a building, structure or land or to prevent any illegal act, conduct or use on property in violation.

(2) Other remedies.

Nothing herein shall prevent Douglas County from taking other such lawful action, including stop work orders and restricting inspections or issuance of permits to prevent a recurrence or remedy any violation.

Sec. 1412 - Liability.

- (1) Neither the approval of a plan under the provisions of this Code, nor the issuance of a permit, nor the compliance with provisions of this Code, shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the County for damage to any person or property.
- (2) The fact that a land-disturbing activity for which a development permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Code or the terms of the development permit.
- (3) No provision of this Code shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, as amended, the Georgia Water Quality Control Act, or the rules and regulations promulgated and approved under such laws or pollute any waters of the State as defined by said Acts.

Article 15. - Interpretation and Definitions

Sec. 1501 - Purpose of Article 15.

This Article provides a glossary of all definitions specifically used in the text of this Development Code.

Sec. 1502 - Definitions.

Abandonment: The relinquishment of property, or a cessation of the use of the property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

Abut: To physically touch or border upon; or to share a common property line but not overlap.

Access: A way or means of approach to provide physical entrance to a property.

Accessory Apartment: A dwelling or apartment within or detached from the principal dwelling, the use of which is associated with and subordinate to the principal dwelling and which is located upon the same lot as the principal dwelling, established subsequent to the establishment of the principal dwelling.

Accessory Building or Use (also Outbuilding): A building or use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Accessory Farm Structure: Any building or other structure commonly used for agricultural purposes in relation to an active farming operation, such as a barn or stable, poultry house, silo, water tank, farm equipment storage shed, or irrigation system.

Accessory Retail Uses: Retail sales and services accessory to the operation of an office building, industrial or warehouse complex, institutional use, motel, hotel, apartment building or complex, conducted wholly within the building housing the use to which such activities are accessory.

Accessory Structure Setback Line: A line delineating the minimum allowable distance between a property line or the right-of-way line of an abutting street, and an accessory structure.

Addition (to an existing building): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter load-bearing wall shall be considered new construction.

Adjacent Land, Lot, or Parcel: See "Adjoining Land, Lot, or Parcel."

Adjoining Land, Lot, or Parcel: A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land. See also "Abut."

Agricultural Activities : (See also "Tree Harvesting.") The production, keeping, or maintenance, for sale, lease, or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops, grains and seed crops, dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program.

Agricultural Produce Stand: A structure not greater than 500 square feet for the purpose of seasonal sales of products grown or produced on the premises on which it is located. See FARM STAND: A structure for the display and sale of farm products.

Airfield: In this Code the terms "airfield" and "airport" are interchangeable and mean airfields in Douglas County.

Alley: A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Alteration of Building: Any change in the supporting members of a building (such as bearing walls, beams, columns or girders) except such changes as may be required for its safety; any addition to a building; any change in use from that of one district classification to another; or of a building from one location to another.

Alternative Tower Structure: includes man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennae or towers.

Americans with Disabilities Act (ADA): A 1990 federal law designed to bring disabled Americans into the economic mainstream by providing them equal access to jobs, transportation, public facilities, and services.

Amusement and Theme Parks: Facilities including water parks, skateboard parks, and other outdoor amusement facilities.

Animal Boarding and/or Breeding Kennel: An indoor establishment or outdoor structure in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.

Animal Hospital: A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

Annexation: The incorporation of a land area into an existing municipality with a resulting change in the boundaries of that municipality.

Antenna: Any exterior apparatus designed for the sending and/or receiving of electromagnetic waves for telephonic, radio, television, personal wireless or other telecommunication services. Personal wireless services include but are not limited to cellular telephone, Personal Communications Services (PCS), Specialized Mobile Radio (SMR), Enhanced Specialized Mobile Radio (ESMR), Private Mobile Radio (PMR) and paging.

Applicant: A property owner or their authorized representative who has petitioned the County for approval of a zoning change, development permit, building permit, hardship variance, special exception or appeal, or any other authorization for the use or development of their property under the requirements of this Development Code.

Applicant, Stormwater: A person submitting a post-development stormwater management application and plan for approval.

Application: A petition for approval of a zoning change, development permit, building permit, hardship variance, special exception or appeal, or any other authorization for the use or development of a property under the requirements of this Development Code.

Approach-Departure Clearance Surface: This surface is symmetrical about the runway centerline extended. It begins as an inclined plane (glide angle) two hundred (200) feet beyond the end of the runway at the same elevation as the runway end, and extends for 50,000 feet. The slope of this surface is fifty to one (50:1) (glide angle) for military airports, along the runway centerline extended for 25,000 feet, at which point it reaches an elevation of 500 feet above the elevation of the runway end. It then continues horizontally at this elevation for an additional 25,000 feet. The width of this surface at the starting point (200 feet from the runway end) is 2,000 feet. It flares uniformly and the width at 2.5 miles is 2,696 feet. Glide angles for other types of airports shall be determined by consultation with the county engineer.

Appurtenances: The visible, functional, or ornamental objects accessory to and part of buildings.

Aquifer: Any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well.

Area of Shallow Flooding: A designated AO or AH zone on the flood insurance rate map (FIRM) with base flood depths from 1 to 3 feet, or where a clearly deemed channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard: The land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year.

As-Built Survey Drawings: Drawings specifying the dimensions, location, capacities, and operational capabilities of structures and facilities as they have been constructed.

Attic: That part of a building that is immediately below and wholly or partly within the roof framing.

Auction House: A place where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in competition with each other.

Automobile Parking Lot, Commercial: An area or structure dedicated to the temporary storage of automobiles or other vehicles for periods of less than 24 hours for a fee, operated as the principal use of the property or structure.

Automobile Sales and Service: The use of any building or premises for the display and sale of new or used automobiles, panel trucks, vans or busses, and which may include any repair service conducted as an accessory use. See also "boat dealers," "motorcycle sales and service," and "recreational vehicle dealer."

Automobile Service Station: Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of vehicles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories for cars, vans, and light trucks only.

Automobile Storage Yard And Wrecker Service: An establishment used for the short-term storage of damaged or confiscated vehicles. See in contrast "Scrap Yards and Junkyards."

Automotive Repair Shop: The use of a building or premises for the repair of automobiles or other motorized vehicles, or the installation or repair of equipment or parts on motorized vehicles such as mufflers, brakes, tires, radios, transmissions, glass, and engines or engine parts. Automotive repair shops also include:

A. **Automotive paint or body shop:** The use of a building or premises for the repair of automotive bodies and/or major mechanical works, straightening of body parts, painting, welding, or storage of automobiles not in operable condition.

B. **Tire sales or repair shop:** The use of a building or premises for the selling or repairing of automotive tires, with or without automotive tune-up services.

Awning: A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway, or window from the elements. Awnings are often made of fabric or flexible plastic supported by a rigid frame, and may be retracted into the face of the building.

Awning sign: See "Building Sign."

Bakeries or Pastry Shops, Retail: A location where breads, cakes, pies, pastries, and other baked goods are baked, displayed, and/or sold.

Bank, Savings, Loan or Credit Union: A financial depository institution or related banking facility that accepts money for deposit into accounts from the general public or other financial institutions, and may include personal or business loans, wire transfers and safe deposit boxes as accessory uses. Institutions such as payday loan, checks cashed, and car title loan establishments are not considered as banks, savings and loan or credit unions.

Banner: A sign other than an official flag, made of paper, cloth, thin plastic, or similar lightweight material, and usually containing a message or logo.

Banquet Hall: A commercial meeting hall establishment where food and drink may be provided to guests by staff, by the lessee/host, or by independent caterers, for pre-planned events only, and not for walk-in customers; a banquet hall is not a restaurant.

Bar: Premises used primarily for the sale or dispensing of liquor by the drink for on site consumption and where food may be available for consumption on the premises as accessory to the principal use. Also called a tavern, pub or public house, or saloon.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year (i.e., the "100-year flood").

Base Flood Elevation: The highest water surface elevation anticipated at any given point during the base flood.

Base Zone: The primary zoning designation of a property that confers restrictions on buildings and land uses. All property in Douglas County has one base zone (such as R-LD Low Density Single Family Residential or C-G General Commercial), but properties may be further regulated by one or more overlay zoning districts.

Basement: That floor of a building having a portion of its floor subgrade (below ground level) on at least one side. See also "Cellar."

Battery Energy Storage System: A system of one or more devices, assembled together, capable of storing energy in order to supply electrical energy for later use. The energy may be used onsite or distributed into the electrical grid.

Bed and Breakfast Inn: A business establishment operated within a dwelling by the owner-occupant, offering temporary lodging and one or more meals to guests while away from their normal places of residence, and containing no more than 4 guest rooms. See also "Country Inn" and "Hotel or Motel."

Bedroom: A private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom.

Berm: A mound of earth, or the act of pushing earth into a mound.

Best Management Practices (BMP's): A collection of structural measures and vegetative practices which, when properly designed, installed and maintained, will provide effective erosion and sediment control for all rainfall events up to and including a 25-year, 24-hour rainfall event.

Billboard: See "sign types".

Biomedical Waste: Any solid waste which contains pathological waste, biological waste, cultures, and stocks of infectious agents and associated biologicals, contaminated animal carcasses (body parts, their bedding, and other wastes from such animals), chemotherapy waste, discarded medical equipment and parts, not including expendable supplies and materials, which have not been decontaminated in accordance with the rules of the Georgia Environmental Protection Division.

Biomedical Waste Disposal or Transfer Facility: A facility engineered and designed for the collection and/or transfer of biomedical waste such as used gauze, syringes, needles, bandages, test tubes and

surgical wastes from a collector vehicle to a larger transport vehicle to another destination for incineration or disposal.

Block: A piece or parcel of land entirely surrounded by public streets, other than alleys, or other major physical barriers.

Boarder: An individual who lives in a part of a dwelling unit at the behest of the resident family and is provided lodging or lodging and meals for pay or other consideration on a temporary basis.

Boarding House: See "Rooming or Boarding House."

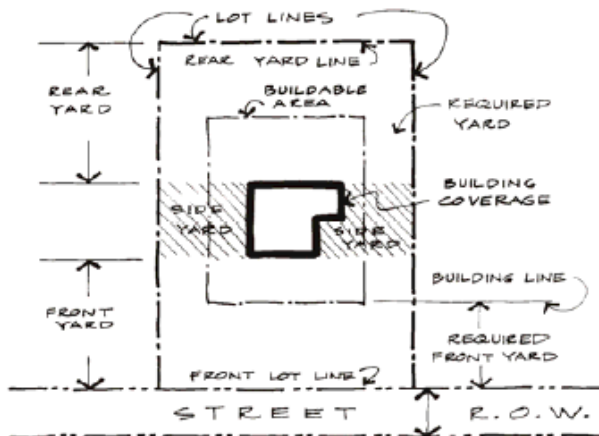
Boat Dealer: The use of any building or premises for the display and sale of new or used motorboats or other watercraft, and which may include the sale of marine supplies or outboard motors and repair service conducted as accessory uses.

Bond: A bond, letter of credit or approved surety method approved by the county attorney.

Breakaway Wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Buffer: See "Stream Buffer" and "Zoning Buffer."

Buildable Area of Lot: That portion of a lot bounded by and interior to the required rear, side and front building setback lines for a principal building.



Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building, Principal: A building or structure in which is conducted the principal use of the lot on which said building is located.

Building Code: The technical codes approved for enforcement or otherwise adopted or adopted as amended by the County under the Georgia Uniform Codes Act, which regulate the construction of buildings and structures.

Building Floor Area: The gross floor area of all heated spaces within a building. Heated floor area does not include garages, unheated basements, attic storage areas and partially unenclosed decks, patios or lanais. Gross floor area comprises the area within the inside perimeter of the exterior walls with no deduction for corridors, stairs, closets, thickness of walls, columns or other features, exclusive of areas open and unobstructed to the sky.

Building Height: The vertical distance measured to the highest point of a building from the average finished grade across those sides of a building that face a street. See also "Structure Height."

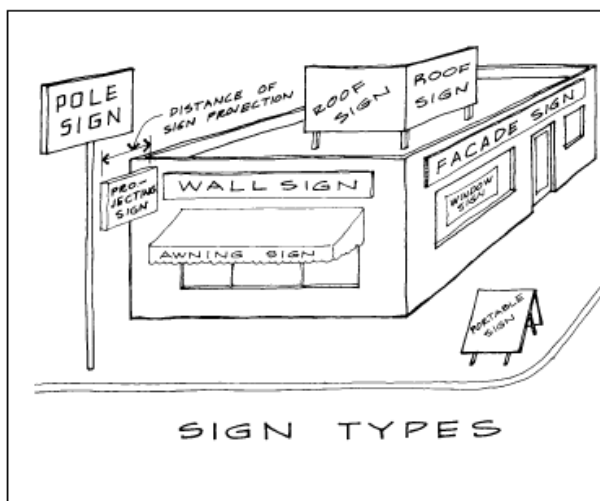
Building-Integrated System: A solar photovoltaic system that is constructed as an integral part of a principal or accessory building or structure and where the building-integrated system features maintain a uniform profile or surface of vertical walls, window openings, and roofing. Such a system is used in lieu of a separate mechanical device, replacing or substituting for an architectural or structural component of the building or structure that appends or interrupts the uniform surfaces of walls, window openings and roofing. A building-integrated system may occur within vertical facades, replacing view glass, spandrel glass or other facade material; semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems. See Solar.

Building-Mounted System: A solar photovoltaic system attached to any part or type of roof on a building or structure that is either the principal structure or an accessory structure on a recorded property. This system also includes any solar-based architectural elements. See Solar.

Building Materials Sales: An establishment offering lumber or other construction materials used in buildings for sale to contractors or the general public.

Building Sign: A sign that in any manner is fastened to, projects from, or is placed or painted upon the exterior wall, window, door, or roof of a building. The term "building sign" includes but is not limited to the following:

- (1) **Awning Sign:** A sign imposed, mounted or painted upon an awning.
- (2) **Canopy Sign:** A sign affixed to, imposed upon, or painted on any canopy, such that the sign is mounted in such a manner that a continuous face with the canopy is formed.
- (3) **Mansard Sign:** A sign imposed, mounted or painted upon a mansard and not extending above the top of the mansard.
- (4) **Marquee Sign:** Any sign attached flat against the marquee or permanent sidewalk canopy of a building and not extending above the top of the marquee.
- (5) **Parapet Sign:** A sign imposed, mounted or painted on a parapet and not extending above the top of the parapet.
- (6) **Projecting Sign:** A sign affixed to a wall and extending more than 18 inches from the surface of such wall, usually perpendicular to the wall surface.
- (7) **Roof Sign:** A sign that is mounted on, applied to, or otherwise structurally supported by the roof of a building.



- (8) *Under-Canopy Sign*: A display attached to the underside of a marquee or canopy and protruding over private sidewalks.
- (9) *Wall (or Fascia) Sign*: A sign that is fastened directly to or is placed or painted directly upon the exterior wall of a building, with the sign face parallel to the wall, and extending from the surface of the wall no more than 18 inches.
- (10) *Window Sign*: A sign that is placed on or behind a windowpane or glass door and intended to be viewed from outside the building.

Bulk Storage Facility: The storage of chemicals, petroleum products, grains, or other materials in structures for subsequent resale to distributors or retail dealers or outlets.

Caliper: The diameter of a proposed tree (usually nursery stock) measured at a point 6 inches above the ground or top of root ball for up to and including 4-inch caliper trees, and at a point 12 inches above the ground or top of root ball for larger sizes.

Canopy: A permanent roof-like structure projecting from a building and open on at least one side for the purpose of shielding a pedestrian walkway from the elements, or a freestanding roof-like structure supported by columns intended to shield a vehicular driveway or service area from the elements.

Capacity, Roadway: The maximum hourly rate at which vehicles can reasonably be expected to traverse a point or uniform section of a lane or roadway during a given time period under the prevailing roadway, traffic, and control conditions.

Carnival: See "special outdoor event."

Carport: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than 3 sides.

Car Wash: A structure containing facilities for washing automobiles and automatic or semiautomatic application of cleaner, brushes, rinse water, and heat for drying.

Cellar: A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than 6½ feet. See Also "Basement."

Centerline of Street or Road: The centerline of a street or road is the line surveyed and monumented by the governing body as such or, if a centerline has not been surveyed and monumented, it shall be that line running midway between the outside curbs or ditches of the street.

Changeable Copy Sign:

- (1) *Automatic Changeable Copy Sign*: A sign on which the copy changes automatically on a lamp bank or through mechanical means, e.g., electrical or electronic time and temperature units. Copy shall mean words and numbers.
- (2) *Manual Changeable Copy Sign*: A sign on which copy is changed manually in the field, e.g., reader boards with changeable letters. Copy shall mean words and numbers.

Channel: A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Channeled Letters:

- (1) *Internally Channeled Letters*: Letters or other symbols with recessed surface designed to accommodate incandescent bulbs or luminous tubing.
- (2) *Reverse Channeled Letters*: Letters or other symbols with raised surface designed to be lighted from behind by incandescent bulbs or luminous tubing.

Charitable Organization: means an organization that is exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code, 26 USC 501(c)(3).

Church or Other Place of Worship: A building or structure, or groups of buildings or structures, that by design and construction is primarily intended for conducting organized religious services and associated accessory uses.

Civic, Social or Fraternal Association: An organization dedicated to public activities of a civic and non-profit nature, such as an alumni association, American Legion, Hibernian Society, Masonic Lodge or Oddfellows.

Clearing: The removal of vegetation from a property.

Co-Location: The placement of two or more antennae, micro telecommunications facilities or macro telecommunications facilities in the same location, tower, or monopole tower.

Commercial and Industrial Structures: include warehouses, factories, retail outlets, supermarkets, banks, garages or service stations. [in the context of telecommunications]

Commissary: an approved catering establishment, restaurant, or other approved place in which food, containers or supplies are kept, handled, prepared, packaged or stored.

Common Open Space: See "Open Space."

Communications Facility: Collectively, the equipment at a fixed location or locations within the public ROW that enables communications services, including: (i) radio transceivers, antennas, coaxial, fiber-optic or other cabling, power supply (including backup battery), and comparable equipment, regardless of technological configuration; and (ii) all other equipment associated with any of the foregoing. A communications facility does not include the pole, tower or support structure to which the equipment is attached.

Communications Service: Cable service, as defined in 47 U.S.C. § 522(6); information service, as defined in 47 U.S.C. § 153(24); or telecommunications service, as defined in 47 U.S.C. § 153(53).

Component: Any assembly, subassembly, or combination of parts for use as a part of a building, which may include structural, electrical, plumbing, mechanical, and fire protection systems and other systems affecting health and safety.

Composting: The controlled biological decomposition of organic matter into a stable, odor free humus.

Composting Center: A site or facility in which composting activities take place under controlled conditions.

Comprehensive Plan: The Comprehensive Plan for the County, prepared, adopted and as amended from time to time in accordance with the Georgia Comprehensive Planning Act.

Condition of Zoning Approval: A requirement adopted by the Board of Commissioners at the time of approval of a rezoning or Special Use, placing greater or additional requirements or restrictions on the property than provided in this Development Code in order to reduce an adverse impact of the rezoning or Special Use and to further the protection of the public health, safety, or general welfare.

Condominium: A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

Conservation Easement: An agreement between a land owner and the Authority or other government agency or land trust that permanently protects open space or greenspace on the owner's land by limiting the amount and type of development that can take place, but continues to leave the remainder of the fee interest in private ownership.

Construction: Any building or erection of a structure or preparation of a property for same.

Construction Contractor: An establishment engaged in the construction of buildings, engaged in heavy construction (such as streets, bridges or utilities), or specialized in such construction trades as plumbing, heating and air-conditioning, electrical wiring, masonry, roofing or gutters, well drilling, or house painting.

Construction/Demolition Waste: Waste building materials and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings and other structures. Such wastes include, but are not limited to asbestos containing waste, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material, and other non-putrescible wastes which have a low potential for groundwater contamination.

Construction Sign: See "sign types".

Convalescent Home: See "Nursing Care Facility."

Convenience Store: Any retail establishment with or without fuel sales offering for sale prepackaged food products, beverages, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption.

Convenience Goods: Those items that are purchased frequently and generally in small amounts. Grocery stores handle a large percentage of this type of sales; also included are drugstore sales, restaurant sales and small variety store sales.

Conveyor car wash: A commercial car wash where the car moves on a conveyor belt during the wash. The driver of the vehicle can remain in the vehicle or wait outside of the vehicle. (Amended 08/02/2011 - TXT-2011-01, § 18)

Country Inn: A business establishment operated within a dwelling by the owner-occupant, offering temporary lodging and one or more meals to guests while away from their normal places of residence, and containing no more than 10 guest rooms. See also "Bed and Breakfast Inn" and "Hotel or Motel."

County Arborist: The Director of Development Services or his/her designee responsible for administering the provisions of Article 8.

Creek: See "Stream."

Crematorium: A licensed facility in which human or animal remains are reduced to ash through thermal processes.

Critical root zone (CRZ): The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The CRZ will typically be represented by a concentric circle centering on the tree's trunk with a radius equal in feet to one and one-half times the number of inches of the trunk diameter. Example: The CRZ radius of a 20-inch diameter tree is 30 feet.

Crosswalk: A right-of-way or public easement within a block dedicated to public use, ten feet or more in width, intended primarily for pedestrians and from which motor-propelled vehicles are excluded.

Cul-de-Sac: A street with a single common ingress and egress and with a turnaround at the end.

Curb Break or Curb Cut: Any interruption or break in the line of a street curb for the purpose of connecting a driveway to a street, or otherwise to provide vehicular access to abutting property.

Custom Service Restaurant: See under "restaurant, custom service."

Cut: A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as "excavation."

Cutting: The removal of any soil or other solid material from a natural ground surface.

DHR: The Georgia Department of Human Resources.

DNR: The Georgia Department of Natural Resources.

Day Care Facility: The use of a building or premises for the care and supervision of children or elderly adults who do not reside on the property, for periods of less than 24 hours.

- (1) **Day Care Center:** A day care facility that enrolls for pay, supervision and non-medical care, 19 or more children or elderly adults with no overnight stays.
- (2) **Family Day Care Home:** An accessory use within a private residence operated by the occupant of the dwelling that enrolls for pay, supervision and non-medical care, 5 or fewer children or elderly adults with no overnight stays, or no more than 6 children or elderly adults if the structure meets the Building Code requirements for institutional uses.
- (3) **Group Day Care Home:** A day care facility that enrolls for pay, supervision and non-medical care, up to 18 children or elderly adults with no overnight stays.

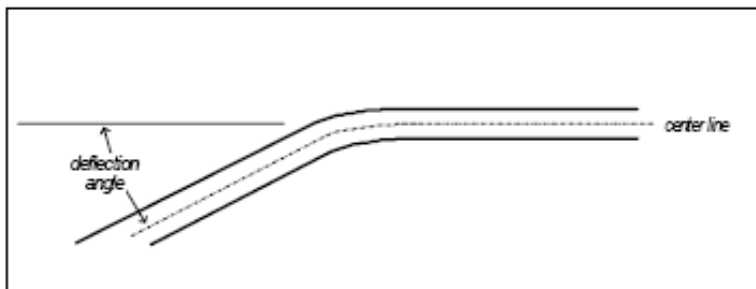
Dead End Street: A street connected to another street at only one end.

Dead Plant or Tree: Any living plant material that has lost 33% or more of its branches or leaves, as determined by the Director of Engineering, shall be considered dead.

Deck: A roofless accessory attached or detached platform without exterior walls, generally constructed of wood, which adjoins a residence. Rails or safety features shall not be deemed to be exterior walls.

Decorative Pole: A Pole that is specially designed and placed for aesthetic purposes.

Deflection Angle: The angle between a deviation in the direction of the center line of a street and the extension of the center line along a straight course from the point from which the center line changed direction. (See illustration)



Density:

A. **Residential**—The number of dwelling units per acre within a development or defined area;

B. **Nonresidential**—The number of square feet of building floor area per acre.
Design Head: The depth of water at the entrance to a pipe that was used in design to force a rate of flow through the pipe needed in the design.

Design Head: The depth of water at the entrance to a pipe that was used in design to force a rate of flow through the pipe needed in the design.

Detention: The temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge.

Detention Facility: A detention basin or structure designed for the detention of stormwater runoff and gradual release of stored water at controlled rates.

Developer: (1) Any person who undertakes land development activities and who is authorized to act on behalf of and with the full authority of the property owner in connection with the development of one or more tracts or parcels of land, including but not limited to construction activities associated with the installation of water, wastewater, and/or stormwater management structures, facilities, and measures and implementation and maintenance of soil erosion and sedimentation control practices. (2) The person, corporation or other legal entity that undertakes the subdivision of property, the alteration of land or vegetation in preparation for construction activity, or the construction of streets, utilities, buildings or other improvements required for the habitation or use of property.

Development: (1) A land development project involving the construction of streets, utilities, buildings, or other improvements required for the habitation or use of property, such as a residential neighborhood, an apartment complex, a store, or a shopping center; (2) any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials; (3) the act of constructing or carrying out a land development project, including the alteration of land or vegetation in preparation for construction activity.

Development Permit: The authorization necessary to initiate and conduct a land-disturbing activity and to carry out the planned development of land and structures.

Development Review Committee: This body is composed of representatives from the Development Services department, health department, fire department, public works department, the chief building official's office, the WSA and other agencies as appointed from time to time.

Development Site: That portion of a tract of land that will be dedicated to a proposed development, including the land containing trees that will be counted toward satisfying the requirements of these provisions.

Diameter Breast Height (DBH): The diameter of an existing tree trunk measured at a height of 4½ feet above the ground. If a tree splits into multiple trunks below 4½ feet, the trunk is measured at its most narrow point beneath the split.

Director: Means director of the development services department of Douglas County or designee.

Directional Sign: See "sign types".

Distance: The measurement in lineal feet from the closest point of one reference such as a lot or building to the closest point of a second or subsequent reference point.

District, Zoning: A part, zone, or geographic area within the municipality within which certain zoning or development regulations apply.

Domestic Poultry: Poultry are domesticated birds kept by humans for their eggs, their meat or their feathers. These birds are most typically members of the superorder Galloanserae (fowl), especially the order Galliformes (which includes chickens, quails, and turkeys).

Donation Bin: Means any unattended container, receptacle, or similar device that is located on any property within unincorporated Douglas County used for soliciting and collecting donations of clothing or other salvageable personal property. This term does not include recycle bins for the collection of recyclable materials governed or regulated by the Douglas County Code of Ordinances or this UDC.

Dormitory: A building used as group living quarters for transient workers, a student body or religious order or as an accessory use for a college, university, boarding school, convent, monastery or other similar training institution or facility.

Double-Faced Sign: A sign structure with two sign faces that are parallel (back-to-back) or that form an angle to one another, where each sign face is designed to be seen from a different direction and the two sign faces are separated from each other at their nearest point by no more than three feet.

Drainage: A general term applied to the removal of surface or subsurface water from a given area either by gravity or by pumping; most commonly applied to surface water.

Drainage Easement: An easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

Drainage Structure: A device composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control or flood control purposes.

Drainage System: The surface and subsurface system for the removal of water from the land, including both the natural elements of streams, marshes, swales and ponds, whether of an intermittent or continuous nature, and the man-made element which includes culverts, ditches, channels, detention facilities and the storm sewer system.

Drip Line: A line on the ground established by a vertical plane extending from a tree's outermost branch tips down to the ground, i.e., the line enclosing the area directly beneath the tree's crown from which rainfall would drip.

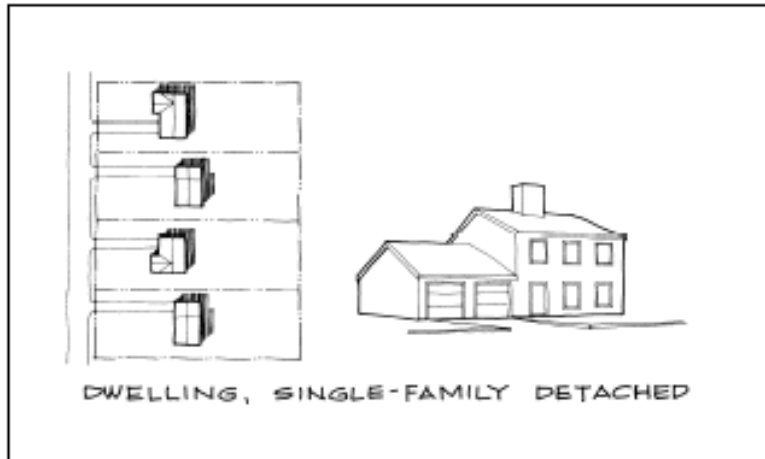
Drive-In Establishment: An establishment that by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Driving Range: A tract of land dedicated to driving of golf balls off tees into a designated landing area.

Duplex: See under "Dwelling, Two-Family Dwelling."

Dwelling: A building or portion of a building arranged or designed to provide living quarters for one or more families on a permanent or long-term basis.

- (1) **Single-Family Detached Dwelling:** A residential building, whether site-built or a manufactured home or an industrialized building, designed for occupancy by one family.
 - a. **Site-Built or Modular Single-Family Detached Dwelling:** A single-family detached dwelling constructed on the building site from basic materials delivered to the site or as a modular home, and which is constructed in accordance with all requirements of the Building Codes as adopted by the County.
 - b. **Manufactured Home:** See "Manufactured Home," below.



(2) *Single-Family Attached Dwelling :*

- a. *Two-Family Dwelling (Duplex):* A structure containing two dwelling units, each of which has direct access to the outside, and for which each single dwelling unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- b. *Townhouse:* A residential building in which the dwelling units may adjoin one another only at the vertical walls and no dwelling unit may be located above another, such as in a fee-simple townhouse subdivision or a townhouse condominium.



- (3) *Multi-Family Dwelling:* A residential building designed exclusively for occupancy by three or more families in separate dwelling units living independently of each other, and in which a dwelling unit may be located above another, such as in a garden apartment building.
 - a. *Low-Rise Multi-Family Dwelling:* An apartment building containing no more than 2 stories.
 - b. *Mid-Rise Multi-Family Dwelling:* An apartment building containing from 3 to 7 stories.
 - c. *High-Rise Multi-Family Dwelling:* An apartment building of 8 or more stories.



Dwelling Unit: Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each dwelling unit. There shall be at least 50 square feet of heated sleeping space per occupant, excluding bathrooms, complete kitchen facilities, closets, halls, storage areas, utility areas, unfinished basements and garages.

Easement: A strip of land on which the property owner has granted to another entity the right to use such land for specific purposes.

Elevated Building: A non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

EPD: The Environmental Protection Division of the Georgia Department of Natural Resources.

EPD Director: The Director of the Environmental Protection Division of the Georgia Department of Natural Resources.

Equestrian Facility, Commercial or Private: A commercial or private facility for the keeping, raising, and/or training of horses.

Erosion: The process by which land surface is worn away by the action of wind, water, ice or gravity.

Erosion and Sedimentation Control Plan: (1) A plan for the control of soil erosion and sedimentation resulting from a land-disturbing activity. (2) A plan that is designed to minimize the accelerated erosion and sediment runoff at a site during land disturbance activities.

Event Center or Facility: A public or private facility used for the purposes of private receptions or parties or similar types of gatherings.

Excavation: (1) The mechanical removal of earth material. (2) Any manmade cavity or depression in the earth's surface, including its sides, wall, or faces, formed by earth removal and producing unsupported earth conditions by reasons of the excavation. If installed forms or similar structures reduce the depth-to-width relationship, an excavation may become a trench.

Excavation and Trenching Certificate: The certificate issued upon satisfactory completion of a mandatory training/educational program regarding excavation and trenching safety practices, such program to be provided by or approved by the Douglas County Fire Department.

Excavation and Trenching Certificate Holder: The holder of the "excavation and trenching certificate" identified above.

Existing Construction: For the purposes of flood damage prevention requirements, any structure for which the start of construction commenced before January 1, 1980.

Existing Manufactured Home Park: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before January 1, 1980. Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Exotic Animal: exotic animal is defined by 9 CFR 1.1 as any animal not identified in the definition of "animal" provided in this part that is native to a foreign country or of foreign origin or character, is not native to the United States, or was introduced from abroad.

Exotic Bird: Any member of the Class Aves that is not indigenous to the 50 States or the District of Columbia, including any egg or offspring thereof, but does not include domestic poultry.

Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

Extended Detention: The detention of stormwater runoff for an extended period, typically 24 hours or greater.

Extreme Flood Protection: Measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

FAA: is the Federal Aviation Administration.

Family: Any group of individuals living together as the functional equivalent of a family where the residents may share living expenses, chores, eat meals together and are a close group with social, economic and psychological commitments to each other. A family includes, for example, the residents of residential care facilities and group homes for people with disabilities. A family does not include larger institutional group living situations such as dormitories, fraternities, sororities, rooming houses, hotels, nursing homes or convalescent homes, or similar homes, or monasteries or nunneries. Up to six unrelated persons functioning as a single party occupying a single dwelling unit, whether said home provides charitable services or operates for profit, may count as a family unit.

Family Care: Watchful oversight and individual assistance with or supervision of self-administered medication and essential activities of daily living such as eating, bathing, grooming, dressing and toileting, provided by a family or family member to a relative.

Family Day Care Home: See under "Day Care Facility."

Farm Stand: A structure for the display and sale of farm products.

Fast Food Restaurant: See "restaurant, fast food."

FCC: The Federal Communications Commission.

Fence or Wall: An artificially constructed barrier of any durable material or combination of materials erected to enclose, screen, or separate areas.

- (1) **Fence, Chain Link:** A fence consisting of a series of joint and metal links secured to steel pipe.

- (2) **Fence, Board On Board:** A fence consisting of a series of posts and horizontal beams and covered by alternating vertical pickets.

FEMA: The Federal Emergency Management Agency.

Festoons: Strings of ribbons, tinsel, small flags, pennants, streamers, pinwheels, or other devices or long narrow strips of fabric, plastic, or other pliable material designed to move in the wind.

Fill: A portion of land surface to which soil or other solid material has been added; the depth above the original ground.

Filling: The placement of any soil or other solid material, either organic or inorganic, on a natural ground surface or excavation.

Finished Grade: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Flight Hazard: Any structure or natural growth or use of land that obstructs or restricts the airspace required for the safe flight of aircraft in landing, takeoff or maneuvering areas as or in the vicinity of the airfield.

Flea Market: An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM) : An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard or the risk premium zones applicable to the community.

Flood Insurance Study (FIS): The official report provided by the Federal Emergency Management Agency evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

Floodplain: Any land area susceptible to flooding, which would have at least a one percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown in the current land use plan (i.e., the regulatory flood).

Floodplain Variance: Refers to a grant of relief from the requirements of this Section, which permits construction in a manner otherwise prohibited by the Floodplain Management Regulations.

Floodplain Variance Board: The Appeal Panel designated by the WSA, which shall include the Executive Director, the Chief Financial Officer of the Authority, and Authority Counsel, or their designees, which shall hear and decide appeals and requests for variance from the requirements of the Floodplain Management Regulations.

Floodproofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood Resistant Materials: Building materials capable of withstanding direct and prolonged contact with floodwaters without sustaining significant damage. The term "prolonged contact" means at least 72 hours,

and the term "significant damage" means any damage requiring more than low-cost cosmetic repair (such as painting). See FEMA Technical Bulletin 2-93, and subsequent revisions thereto.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor: The top surface of an enclosed area in a building, including basement, i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles or storage, or the floor area of an attic used exclusively for storage.

Floor Area, Building: See "Building Floor Area."

Floor Area, Gross: See "Gross Floor Area."

Floor Area Ratio: The gross floor area of all buildings or structures on a lot divided by the total lot area.

Flowering Trees: Ornamental trees that are known for their blooms and generally mature at a height of less than 40 feet.

Free-Flowing Creek, Stream, or River: See "Regulated Stream."

Freestanding sign: A sign permanently attached to the ground and that is wholly independent of any building or other structure. The term "freestanding sign" includes but is not limited to the following:

- (1) **Pole Sign:** A sign that is mounted on a freestanding pole, columns, or similar support such that the bottom of the sign face or lowest sign module is not in contact with the ground.
- (2) **Ground Sign:** A freestanding sign in which the entire bottom of the sign face or structure is in contact with the ground, providing a solid and continuous background for the sign face from the ground to the top of the sign. Also referred to as a "monument sign."

Freight Agency or Shipping Coordinator: An establishment primarily engaged in the remote arrangement of freight or cargo transportation, and not located where the freight or cargo is handled, stored or transported.

Frontage or Street Frontage: That side of a lot abutting on a street; the front lot line.

Functionally Dependent Use: A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water.

Funeral Home: A building used for the preparation of deceased human beings for burial or cremation and for conducting funeral ceremonies.

Garage: A structure or any portion thereof in which one or more automobiles are housed, kept, or repaired, not including exhibition or showrooms, or storage of cars for sale.

Garbage: Food waste including waste accumulations of animal or vegetable matter used or intended for use as food, or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.

Garden Apartment Building: See under "dwelling."

Garment Services: A business establishment engaged primarily in such activities as linen supply, dressmaking, custom tailoring, or fur cleaning and storage.

Gated Community: A subdivision approved as such, which may be served by private streets.

General Merchandise Store: A retail establishment that sells a number of lines of merchandise, such as dry goods, apparel, furniture, small wares, hardware and boutique foods (i.e. "department stores," "variety stores" and "country general stores.").

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

Georgia Stormwater Management Manual (GSMM): The latest edition of said manual, as defined on the GSMM website at www.georgiastormwater.com. Updates, errata and revisions will be provided on the website.

Grade: (1) The average elevation of the land around a building; (2) the percent of rise or descent of a sloping surface (see also "Slope").

Grading: Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping, or any combination thereof, and shall include the land in its cut or filled condition.

Grading Permit: Authorization necessary but limited to the initiation and conduct of a land-disturbing activity on a property (i.e., a development permit limited to grading only).

Grandfathered Use, Structure or Lot: A use, structure or lot that was legally established prior to the imposition of current regulations and that does not conform to the requirements of those regulations. Also known as a "nonconforming" use, structure or lot.

Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants for subsequent sale or for personal enjoyment.

Greenspace or Open Space: Permanently protected areas of the site that are preserved in a natural state. See also "Open Space."

Gross Floor Area: The sum of the gross horizontal areas of the several floors of the building or structure from the exterior face of exterior walls, or from the centerline of the wall separating two buildings, but excluding any space where the average floor-to-ceiling height is less than 6 ft. See also "Building Floor Area."

Ground Cover: A low growing plant, other than turf grass, which forms a continuous cover over the ground surface.

Ground Elevation: The original elevation of the ground surface prior to cutting or filling.

Group Day Care Home: See under "day care facility."

Growler: A bottle made of glass or other material customary to the malt beverage industry, provided that the bottle is capable of being sealed with a screw cap or flip top and then sealed for the purpose of complying with open container laws, and further provided that the bottle does not exceed 64 ounces and is filled by a licensee or employee of the licensed establishment with beer from a keg.

Guest House: An accessory use to a dwelling designed and intended for the temporary housing of visitors to a property at the behest of the property residents for no fee or other consideration, and meeting or exceeding the Standards for Single-Family and Two-Family Dwellings under this Code.

Half Street: A right-of-way dedicated for a new street by a developer along such developer's perimeter property line equal to only one-half of the total right-of-way width required by this Code. Dedication of a "half street" presumes future dedication of a corresponding amount of right-of-way from adjoining land in

order to provide the total right-of-way required for a proposed street. The dedication of additional right-of-way along an existing street is not considered a "half street."

Handicapped Parking Space: A space laid out and designated by signage in accordance with the requirements of the federal Americans with Disabilities Act.

Hardwood tree: A ny leaf bearing (not needle-bearing) tree that is not coniferous (cone bearing). This definition is based on the colloquialism, and does not reflect any true qualities of the tree.

Hazardous Material or Substance: Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive, or otherwise potentially injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

Hazardous Waste: Solid or liquid waste material resulting from the manufacture or use of pesticides and drugs (other than normal household use); pathological wastes; highly flammable or explosive wastes; toxic wastes; sewage sludges; and other waste material that may be a hazard to the public health, safety or environment, except radioactive waste materials as defined by the State of Georgia.

Hazardous or Toxic Waste Transfer Station: A facility in which toxic or hazardous wastes are brought in to the site exclusively for transferal to a vehicle that will transport the wastes to another facility for disposal.

Health Club or Fitness Center: A business that provides facilities for aerobic exercises, such as running and jogging tracks, exercise equipment, game courts, gymnasium, or swimming facilities.

Health Services Facility: An establishment primarily engaged in outpatient health services and counseling, such as a kidney dialysis center, blood bank, or childbirth preparation center, but specifically excluding a "drug addiction rehabilitation center."

Heavily Landscaped Area: An area planted with a combination of shade and flowering trees, deciduous and evergreen shrubs, and flowering perennials such that the entire area is covered with landscape materials. The green space designated to be heavily landscaped shall have no more than 25% of its area covered in turf ((seed or sod). The remaining 75% shall contain shade trees (2 inch caliper minimum), flowering trees (1 inch caliper minimum), evergreen shrubs (3 gallon minimum), deciduous shrubs (3 gallon minimum), and perennials or non-turf groundcovers (2½ inch pot minimum). All plant materials shall be mulched.

Heavy Manufacturing Establishment: See under "Manufacturing."

Heavy Truck: A heavy truck is a commercial motor vehicle with two or more rear axles or other vehicles that have a gross vehicle weight of 10,001 pounds or more. For purposes of this definition, each component part of a heavy truck, such as the semi-trailer and truck tractor are considered heavy trucks, whether or not they are connected to another component or stand alone. School busses are not considered "heavy trucks."

High Density Districts: Any district that permits multi-family units of eight units per acre or more. [in the context of telecommunications]

Highest Adjacent Grade: The highest natural elevation of the ground surface, prior to construction, next to the proposed foundation of a building.

Height of Telecommunication Tower: When referring to a tower, antennae or other structure, means the distance measured vertically from the highest point when positioned for operation to the lowest point which is defined as the bottom of the base of the structure being measured at either roof or ground level, whichever is applicable. The height of a tower shall include the height of any antennae positioned for operation attached or which may be attached to the highest point on the tower.

Heliport Primary Surface: The area of the primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.

Historic Structure: Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either: (a) by an approved state program as determined by the Secretary of the Interior, or (b) directly by the Secretary of the Interior in states without approved programs.

Hobby: An activity done regularly in one's leisure time for pleasure, and from which no financial gain is realized and no monetary return is generated.

Holiday: An official day of festivity or recreation when the offices of the Douglas County government are closed for business (other than a Saturday or Sunday).

Home Occupation: Any activity carried out for profit by the resident and conducted as an accessory use in the resident's dwelling unit.

- (1) **Home Office:** A home occupation that is limited to an office use and does not involve visits or access by the public, suppliers or customers, and does not involve the receipt, maintenance, repair, storage or transfer of merchandise at the home.
- (2) **Home Business:** A home occupation that is limited to the office use of a practicing professional, an artist or a commercial representative, and may involve very limited visits or access by clients or customers, but does not involve the maintenance, repair, storage or transfer of merchandise received at the home.
- (3) **Cottage Industry/Maker Business:** A cottage industry/maker business is a more intensive form of home-based business, having more employees, more floor area used for the business, or other signs of greater use of a residential parcel for business purposes. A cottage industry / maker business, like a home occupation, remains clearly subordinate to the use of the parcel and dwelling for residential purpose.

Hospital: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

Hotel or Motel: A business establishment offering temporary lodging to the traveling public while away from their normal places of residence, and often including a restaurant as an accessory use. See also "Bed and Breakfast Inn" and "Country Inn."

Hotspot: An area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

Household: An individual living alone or a group of individuals living together in a single dwelling unit, sharing common use of and access to all living and eating areas, bathrooms, and food preparation areas, who mutually combine their efforts and share responsibilities for domestic chores such as child rearing, cleaning and cooking in a permanent and long-term relationship, as contrasted to one in a transient relationship who pays for lodging such as a boarder.

Household Waste: Any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).

Hunting: The activity of catching and/or killing wild animals or game, especially for food or sport.

Hydrologic Soil Group (HSG): A Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups, ranging from group A soils, which have high permeability rates and produce little runoff, to group D soils, which have low permeability rates and produce much more runoff.

Ice cream truck: a motor vehicle in which ice cream, popsicles, ice sherbets or other frozen desserts of any kind are carried for the purpose of retail sale on the streets of the county.

Illuminated Signs:

- (1) **Internally Illuminated Sign:** Any sign that is illuminated by an artificial light source from within the sign structure, usually projected through a transparent or translucent sign face.
- (2) **Externally Illuminated Sign:** Any sign that is partially or completely illuminated at any time by an artificial light source that directly or indirectly illuminates the face of the sign from outside the sign structure.

Impermeable: Something that water cannot pass through or be absorbed by, such as a layer of rock.

Impervious Cover: A surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, and any concrete or asphalt surface.

Impervious Surface: Man-made structures, improvements and surfaces that prevent or significantly limit the infiltration of stormwater. Examples of impervious structures and improvements are: buildings, structures, roads, driveways, parking lots, decks, swimming pools, patios and sidewalks. Examples of impervious materials often used to construct such improvements are asphalt, concrete, gravel, brick, stone, wood, asphalt shingles, metal, and composite materials. Porous asphalt and concrete pavement are considered impervious surfaces.

Improvements: The physical addition and changes to land that may be necessary to produce usable, desirable and acceptable lots or building sites.

In-bay automatic car wash: A commercial car wash where the driver pulls into the bay and parks the car. The vehicle remains stationary while a machine moves back and forth over the vehicle to clean it, instead of the vehicle moving through the tunnel.

Incidental Sign: A small sign, emblem, or decal no larger than 2 square feet. Such signs are normally located on doors, windows, and gas pumps, and are generally not readily visible or legible from public rights-of-way.

Industrial Stormwater Permit: A National Pollutant Discharge Elimination System (NPDES) permit issued to an industry or group of industries, which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

Industrialized Building: A building manufactured in accordance with the Georgia Industrialized Building Act (O.C.G.A. Title 8, Chapter 2, Article 2, Part 1) and the Rules of the Commissioner of the Georgia Department of Community Affairs issued pursuant thereto. State approved buildings meet the State Building and Construction Codes and bear an insignia of Approval issued by the Commissioner.

Infiltration: The process of percolating stormwater runoff into the subsoil.

Installation (of an industrialized building): The assembly of an industrialized building on site and the process of affixing the industrialized building, component, or system to land, a foundation, footings, or an existing building.

Institutional Uses: A nonprofit, religious, or public use, such as a church, library, public or private school, hospital, or government owned or operated building, structure, or land used for public purpose.

Intermodal Container: A six-sided container used for the storage and/or transportation of goods and designed for transport or capable of being transported by a variety of transportation modes, i.e. on semi-trailer beds, rail cars or ships.

Internally Illuminated Letters: See "channeled letters."

Intersection: (1) the place where two streets cross; (2) the point at which the centerline of a street intersects the center line of another street or railway.

Inert Waste Landfill: A disposal facility accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves. This definition excludes industrial and demolition waste not specifically listed above.

Issuing Authority: The Douglas County Board of Commissioners or its assigned or designated representative, which shall be responsible for administering this Article and has been certified by the director of the environmental protection division of the department of natural resources as the issuing authority, pursuant to the Erosion and Sedimentation Act of 1975, as amended.

Junk: Any scrap, waste, reclaimable material, or debris including but not limited to junk vehicles, junk vehicle parts, discarded appliances, and other mechanicals, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition.

Junk Vehicles: Any vehicle that cannot be moved by its own power or does not have an updated license plate.

Junkyard or Salvage Yard: See "Scrap Yards and Junkyards."

Jurisdiction: That area over which the governing body has authority for planning, zoning and development permitting under the Constitution of the State of Georgia.

Kennel: A shelter where dogs or cats are bred, raised, trained or boarded as a business, which commonly include outside facilities.

Lake: A body of water one acre or more in surface area, created either by a manmade or natural dam or other means of water impoundment.

Land Development: Any land change, including but not limited to clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.

Land Development Activities: Those actions or activities that comprise, facilitate, or result in land development. See also "Development."

Land Development Project: A discrete land development undertaking.

Land-Disturbing Activity: Any activity that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting and filling of land but not including those practices that are exempt under Article 11 of this Code.

Land-Disturbing Permit: A development permit issued by Douglas County following approval by the Douglasville-Douglas County Water and Sewer Authority.

Landing Area: That part of the airfield that is used or intended to be used for landing and takeoff of aircraft.

Landscape Materials: Any combination of living plant materials and nonliving materials such as rock, pebbles, wood chips, mulch and pavers, and decorative features, including sculpture, patterned walks, fountains, and pools. Synthetic landscaping materials acceptable to the Director of Development Services may also be used.

Landscape Plan: A component of a development plan on which it is shown: proposed landscape species (such as number, spacing, size at time of planting, and planting details); proposals for the protection of existing vegetation during and after construction; proposed treatment of hard and soft surfaces; proposed decorative features; grade changes; buffers and screening devices; and any other information that can reasonably be required in order that an informed decision can be made by the approving authority.

Landscaping: (1) An expanse of natural scenery; (2) lawns, trees, plants, and other natural materials, such as rock and wood chips, and decorative features, including sculpture, patterned walks, fountains, and pools. Synthetic landscaping materials acceptable to the Director of Development Services may also be used.

Land Use Categories:

Land use categories referred to in this Code have the following meanings. The use in this Article of the term "property" relative to a land use category includes both developed and undeveloped properties, while the term "use" means a property that is developed, occupied or otherwise in operation under the land use category.

- (1) *Agricultural:* A property used primarily for the cultivation of crops, dairying or the raising of livestock, or a vacant property zoned for such purpose.
- (2) *Single- and Two-Family Residential:* A property occupied primarily by one or more single-family dwellings or duplex dwellings, or a Residential Care Facility, or a vacant property zoned for such purpose.
- (3) *Multi-Family Residential:* A property occupied primarily by one or more residential buildings containing three or more dwelling units, a nursing or residential care facility, or a mobile home park, or a vacant property zoned for such purposes.
- (4) *Heavy Commercial or Institutional:* A property zoned C-G, C-H, PSP or O-I and occupied by one or more business establishments that are primarily engaged in the sale of goods; the provision of personal, professional, business, entertainment or other commercial services; the management of a business enterprise; the provision of temporary housing to the traveling public (such as a motel); or any other allowed use; or a vacant property zoned C-G, C-H, PSP or O-I. This category also includes institutional uses: A property occupied by a nonprofit religious, recreational or philanthropic organization, club or institution.
- (6) *Industrial:* A property occupied by one or more business establishment that are primarily engaged in the fabrication, manufacture or production of durable or nondurable goods, or a vacant property zoned for such purpose.

Larger Common Plan of Development or Sale: A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For purposes of this term and its usage in this Chapter, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

Light Manufacturing Establishment: See under "Manufacturing."

Linear Development Project: A land development project that is linear in nature, including but not limited to (1) the construction of electric and telecommunication utility lines, natural gas and petroleum pipelines, water and sewer lines, and related facilities, including but not limited to electric substations and pumping stations; (2) construction of tracks, rights-of-way, bridges, communication facilities, and other related facilities of a railroad company; and (3) road and highway projects.

Litter: Includes, but is not limited to, sand, gravel, slag, brickbats, rubbish, waste material, tin or aluminum cans, refuse, garbage, trash, debris, dead animals, yard or vegetative waste or debris, weeds, junk vehicles, junk vehicle parts, and discarded materials of every kind and description.

Live Detention: The quantity of water capable of being effectively contained by a stormwater detention facility for a specified period of time.

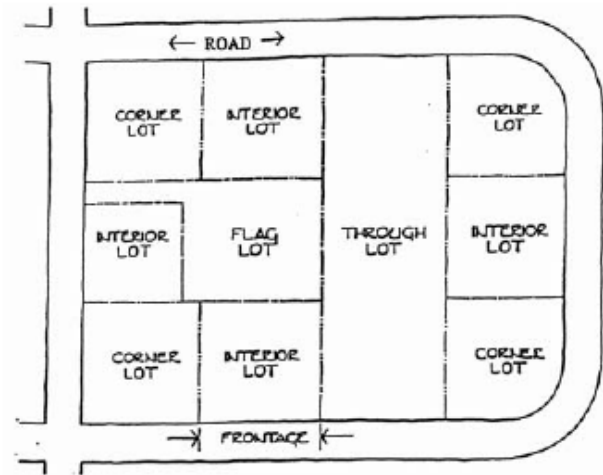
Live Entertainment: Music, comedy, readings, dancing, acting or other entertainment, excluding adult entertainment, performed on the site. This classification includes dancing by patrons to live or recorded music.

Livestock: Animals used for the production of food or products, such as cattle, sheep, goats, hogs or poultry.

Local Street: See under "Street."

Lot: A parcel or tract of land held in single or undivided ownership devoted to a common use or occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

- (1) **Corner Lot:** A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.
- (2) **Interior Lot:** A lot having frontage on only one street.
- (3) **Flag Lot:** A lot having a street frontage and initial lot width notably less wide than the body of the lot (usually where the principal building is intended to be located), such that the lot appears to be a "flag" on a "pole" extending to the street frontage.



- (4) *Through Lot (i.e., a "Double-Frontage Lot")*: A lot bounding on 2 or more streets, but not at their intersection, so that it is not a corner lot unless said corner lot has frontage on 3 or more sides.

Lot Area, Minimum, or Net Lot Area: The total horizontal area included within a lot or property, but excluding any area classified as a primary conservation area.

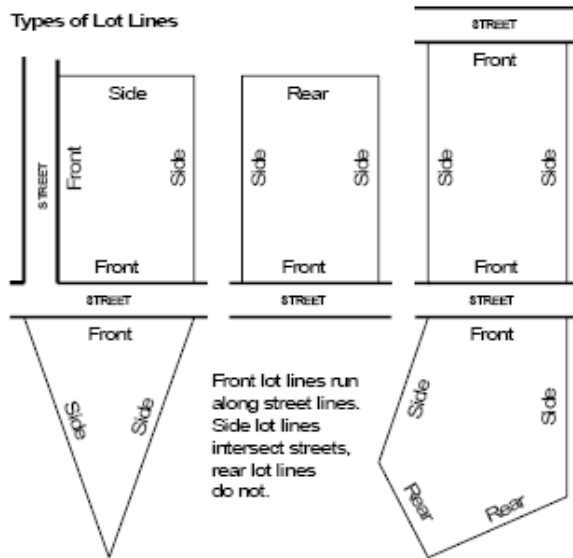
Lot Area, Gross, or Total Lot Area: The total horizontal area included within lot lines.

Lot Coverage: The percentage of a lot that may be covered with permitted or accessories buildings or structures, excluding walks, drives, and other similar uses, and recreational facilities that are accessory to a permitted use.

Lot Frontage: See "Frontage or Street Frontage."

Lot Line: The boundary dividing a given lot from the street or adjacent lots; the boundary defining the limit of ownership of a property.

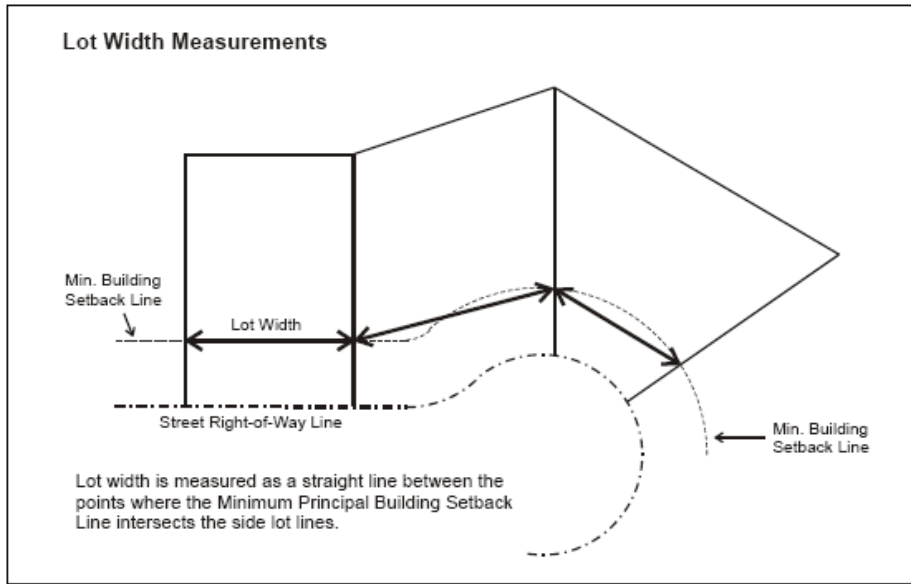
- (1) *Front Lot Line*: Any boundary line of a lot that abuts a street. A lot adjacent to more than one street will have more than one front lot line.
- (2) *Rear Lot Line*: Any boundary line of a lot that does not intersect with a street right-of-way line and is not a front lot line.
- (3) *Side Lot Line*: Any boundary line of a lot that intersects with a street right-of-way line and is not a front lot line.



Lot of Record: A lot that is part of a subdivision recorded in the office of the Clerk to the Superior Court, or a lot described by metes and bounds, the description of which has been so recorded.

- (1) **Legal lot of record:** A lot of record that is part of a subdivision approved by Douglas County under the procedures and requirements for such approval existing at the time of such approval, and has been recorded in accordance with the Georgia Maps and Plats Act; or, a lot of record that otherwise met all zoning and other requirements of Douglas County pertaining to the lot at the time of its recordation.
- (2) **Illegal lot of record:** A lot of record that was not created through the subdivision approval process required under Douglas County regulations at the time of the recordation of such subdivision; or, a lot of record that otherwise did not meet all zoning and other requirements of Douglas County pertaining to the lot at the time of its recordation.

Lot Width: The distance measured along the front principal building setback line between intersecting lot lines. The lot width shall be measured along a straight line between such points of intersection.



Lowest Floor: The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this code.

Macro Telecommunications Facilities: Those facilities located on existing buildings, poles or other existing support structures and which project more than 3 feet above the top of the structure but no more than 10 feet above the roof line, parapet or top of the structure. Macro telecommunication facilities may exceed the height limitation specified for the zoning district.

Major Street or Major Thoroughfare: An arterial or collector street.

Mansard: A steeply sloped, roof-like façade architecturally similar to a building wall.

Mansard Sign: See under "Building Sign."

Manual for Erosion and Sediment Control in Georgia: A publication of the same name published by the Georgia Soil and Water Conservation Commission, and as amended or supplemented from time to time.

Manufactured Home: A dwelling fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying that it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401, *et seq.*), which first became effective on June 15, 1976. The term "manufactured home" includes a structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term includes any structure which meets all the requirements of this definition except the size requirement and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401, *et seq.*

Manufactured Home Park: Any lot or parcel under single ownership on which 2 or more manufactured homes are to be located or intended to be located for purposes of residential occupancy.

Manufactured Home Subdivision: A planned development, similar to a single-family home subdivision, in which manufactured homes are permitted as-of-right.

Manufacturing: The process of making, fabricating, constructing, forming, or assembling a product from raw, unfinished, or semi-finished materials.

- (1) **Heavy Manufacturing Establishment:** Manufacturing establishments, other than those classified as light manufacturing, including those involving the conversion of raw materials into usable finished products, provided that manufacturing that will generate liquid waste from the manufacturing process or air pollutants shall comply with anti-pollution standards established by the state and county.
- (2) **Light Manufacturing Establishment:** An establishment for production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, or repair of materials, goods or products; however, the manufacturing and production of any product which emits noxious noise, odor or fumes, bulk storage of flammable materials for resale, and other heavy manufacturing uses listed herein, shall not be permitted.

Marquee: A permanent roof-like structure or canopy of rigid materials supported by and extending from the façade of a building.

Marquee sign: See under "Building Sign."

Masonry: Brickwork, stonework, stucco on block, adobe, or any combination of these materials.

Materials Recovery Facility: A solid waste handling facility that provides for the extraction from solid waste of recoverable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

Mean Sea Level: The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain. For purposes of this Code, the term is synonymous with National Geodetic Vertical Datum (NGVD).

Medical hardship: A physical or mental health condition that necessitates family care of such intensity or continuous duration that the person with the condition and the family providing the care must live in close proximity, either in the same dwelling or on the same lot.

Metropolitan River Protection Act: A state law referenced as O.C.G.A. 12-5-440 et seq. which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Microbrewery: A brewery that produces small amounts of beer, typically much smaller than large-scale corporate breweries, and is independently owned. Such breweries are generally characterized by their emphasis on quality, flavor and brewing technique.

Micro Telecommunications Facilities: Those facilities located on existing buildings, poles or other existing support structures where antennae do not project more than 3 feet above the top of the structure and there are no more than 6 antennae per site.

Minimum Front Setback: The minimum distance required by the zoning on a property between an adjoining street and the façade of a principal building on the property.

Mining: The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term "mining" includes stone mining and quarrying.

Mini-Warehouse: A structure containing separate storage spaces of varying sizes leased or rented on an individual basis to the general public.

Mixed Use Building: A building containing both residential and nonresidential uses; provided however, that for purposes of this ordinance, this shall not include in-home occupations. [in the context of telecommunications]

Mixed-Use Development: The development of a tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

Mobile food vendor: a retail food establishment that reports to and operates from a commissary and is readily moveable, is a motorized wheeled vehicle, or a towed wheeled vehicle designed and equipped to serve food.

Mobile Home: A dwelling manufactured prior to June 15, 1976, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.

Mobile Home Court: See "manufactured home park."

Modular Home: A dwelling manufactured in accordance with the Georgia Industrialized Building Act (see "Industrialized Building").

Monopole Tower: A telecommunications tower consisting of a single pole, constructed without guy wires or ground anchors.

Monument Sign: See "Ground Sign" under "Freestanding Sign."

Motor Freight Truck Terminal: A building or premises where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

Motor Vehicle Dealer, Miscellaneous: A business establishment primarily engaged in the sale of motorized vehicles and related equipment other than automobiles, motorboats, motorcycles or recreation vehicles, such as aircraft, dune buggies, go-carts, snowmobiles and utility trailers, and which may include a repair service conducted as an accessory use.

Motorcycles Sales and Service: The use of any building or premises for the display and sale of new or used motorcycles, scooters or mopeds, and which may include any repair service conducted as an accessory use.

Mulch: Pine straw, pine bark, pebbles, lava rock, processed cypress trees, or synthetic landscaping materials acceptable to the Director of Development Services may also be used. By products of unprocessed grinding operations may not be used for mulching under landscape plants or trees.

Multi-Faced Sign: A single sign structure consisting of two sign faces (see "double-faced sign") or three or more sign faces that are separated from each other at their nearest point by no more than three feet. Sign faces on a single sign structure that are separated by more than three feet are treated as separate signs.

National Geodetic Vertical Datum (NGVD): As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the flood plain.

Natural Ground Surface: The ground surface in its original state before any grading, excavation or filling.

Nature Preserve: Designated areas in which human activities are limited; animal and/or plant communities are protected, maintained, enhanced, and nurtured; and where the natural environment in general is protected from man-made or -influenced changes.

Neighborhood: An area of a community with characteristics that distinguish it from other areas and that may include distinct demographic characteristics, housing types, schools, or boundaries defined by physical barriers, such as major highways and railroads or natural features, such as rivers.

Nephelometric Turbidity Units (NTU): Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extend of turbidity in water in which colloiddally dispersed particles are present.

New Construction: For the purposes of flood damage prevention requirements, any structure for which the start of construction commenced January 1, 1980, and includes any subsequent improvements to the structure.

New Development: A land development activity on a previously undeveloped site.

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after January 1, 1980. Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Nightclub: An establishment dispensing liquor and meals and in which music, dancing, or entertainment is conducted.

Non-Profit Animal Rescue Corporation: A licensed, non-profit corporation dedicated to the care, rehabilitation and adoption of abandoned, neglected, injured and abused animals.

Nonpoint Source Pollution: A form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollution such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials, and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal, and urban runoff sources.

Nonstructural Stormwater Management Practice or Nonstructural Practice: Any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, including but not limited to riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.

NPDES Permit: A national pollutant discharge elimination system permit issued by the State of Georgia, Department of Natural Resources, Environmental Protection Division or EPA pursuant to the Clean Water Act for the purpose of regulating the discharge of sewage, industrial wastes and other wastes (under the authority of Section 402 of the Clean Water Act), into the navigable waters of the United States.

Nuisance: An interference with the enjoyment and use of property.

Nursery School: See "day care facility."

Nursing Care Facility: Full-time assistance and supervision with essential activities of daily living such as eating, bathing, grooming, dressing, and toileting to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves and require continuous care under the direction of a physician as well as skilled supervision and care provided by staff. Convalescent (or rehabilitative), independent living, assisted living, skilled nursing, memory, respite, or hospice care are typical care models provided to individuals. A Nursing Care Facility contemplates skilled nursing and supervision.

Community Living Arrangements, as defined by Ga. Comp. R. & Regs. R. 290-9-37 are encompassed in this definition.

Nursing Home: See “Nursing Care Facility.”

O.C.G.A.: The Official Code of Georgia, annotated.

Off-Site Stormwater Facility: A stormwater management facility located outside the boundaries of the site.

On-Site Stormwater Facility: A stormwater management facility located within the boundaries of the site.

Office: A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files, and communication equipment.

Office, Business: Structure or space wherein business services are performed involving predominately managerial, administrative, or clerical operations such as accounting, tax preparation, real estate, stock broker, financial consultant, manufacturers representative, insurance, contractor, employment agencies, advertising or public relations agencies, public opinion, business and other research firms, and national, regional, state and local office headquarters for commercial, manufacturing, charitable or other corporations or organizations.

Office, General: Structure or space wherein services are performed involving predominately managerial, administrative, professional, or clerical operations.

Office, Professional: Structure or space wherein professional services are performed involving predominately professional managerial, administrative, or clerical operations such as law, medicine, optician (including the sale of glasses and contact lenses as accessory to professional eye examinations and the prescription of lenses), audiologists, architect or landscape architect, professional consultant, engineer, professional counselor, dentist investigative services, photographer, contractor, land surveyor, or other professional services.

Office Park: A development on a tract of land that contains a number of separate office buildings, accessory and supporting uses, and open space designed, planned, constructed, and managed on an integrated and coordinated bases.

One-Hundred-Year Flood: A 100-year frequency flood that has the probability of occurring once every 100 years and thus has a 1 percent chance of occurring each year.

One-Hundred-Year Flood Plain: A land area subject to a 1 percent or greater statistical occurrence probability of flooding in and given year.

Opaque: Impenetrable to view, or so obscuring to view that features, buildings, structures, and uses become visually indistinguishable.

Open Space: An area of land or water that is permanently set aside through dedication, designation or reservation to remain in a natural and unimproved state or that may be improved only for active or passive recreation or enjoyment.

- (1) *Common Open Space*: Privately owned land or water areas within a development project that are available to or benefit all occupants of the development on a continuing and permanent basis, such as walking trails, community centers or clubhouses, golf courses and other recreation areas, protected flood plains or wetlands, and fishing or boating lakes. Common open space does not include any streets or public rights-of-way, or yard areas or landscape areas located on private property.
- (2) *Public Open Space*: Land reserved for preservation, leisure or recreational use but dedicated in fee simple to a governing body or agency to be responsible for operation and maintenance. Public

open space is not reserved for or dedicated to the exclusive use of the residents of a particular development.

Operator: The party or parties that have operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or day-to-day operational control of those activities that are necessary to ensure compliance with a storm-water pollution prevention plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the storm-water pollution prevention plan or to comply with other permit conditions.

OSHA: The U.S. Department of Labor, Occupational Safety and Health Administration, or successor agency.

Outdoor Display Area: A portion of a property outside of any building where merchandise, goods or other items are placed in public view for the purpose of direct sale or lease to customers.

Outdoor Seating: A permitted seating area on a public sidewalk or pedestrian oriented area or outside of a food or drink establishment that is used for seating purposes to consume the purchased items on-site.

Outdoor Storage: The keeping within an unroofed and unenclosed area of any goods, material, merchandise or vehicles in the same place for more than 24 hours.

Outparcel: A lot deeded separately from a larger tract for individual development, but generally sharing access with the larger tract. Outparcels are most generally associated with shopping centers.

Overbank Flood Protection: Measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e., flow events that exceed the capacity of the channel and enter the floodplain) and that are intended to protect downstream properties from flooding for the 2-year through 25-year frequency storm events.

Owner: The legal or beneficial owner of a site, including, but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of the site.

Owner-occupied: A property where the owner resides for the majority of the year, regardless of whether they operate a rental arrangement for part of or up to the whole property at any time during the year, whether or not they reside on the property during a rental arrangement.

Overlay Zone: A zoning district that may be placed on property in addition to its base zoning. Property may be regulated by a single or by multiple overlay zones.

Overstory Tree: Any deciduous or evergreen tree that has the potential to grow to a mature height of 40 feet or more (Reference *Landscape Plant Materials for Georgia*, Cooperative Extension Service, The University of Georgia College of Agriculture, Bulletin No. 625 or any similar publication.) Reference may also be made to the *Manual of Woody Landscape Plants* (Michael Dirr, 1983, Castle Books).

Owner: The legal or beneficial owner of a site, including, but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of the site.

Paper Street: A street that has never been built shown on an approved plan, subdivision plat, tax maps, or official map.

Parapet Sign: See under "Building Sign."

Parcel: Any plot of land or acreage shown as a unit with a metes and bounds description on the latest county tax assessment records. Typically a parcel of land means any quantity of land capable of being described with such definiteness that its locations and boundaries may be established and which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit or is capable of being taxed as a unit.

Parking Aisle: The traveled way, which is not the public right-of-way, by which cars enter and depart parking spaces.

Parking Bay: Three or more parking spaces adjacent to one another and aligned side-by-side.

Parking Deck or Structure: A building or structure consisting of more than one level and used to store motor vehicles.

Parking Lot: Any public or private area at grade used for the express purpose of temporarily parking automobiles and other vehicles otherwise in operation for personal or business use.

Parking Lot Island: A landscaping strip located in a parking lot. Such islands must be sized to allow the plants and trees located within it to grow to their mature size.

Parking Space: A space identified and set aside for the temporary parking of an automobile or other motor vehicle.

Partial Destruction: A building or structure that because of fire, flood, explosion, or other calamity, requires the rebuilding of less than half of its floor area.

Pawn Shop: A type of used merchandise store in which merchandise is offered as collateral for obtaining loans, and (for other than title pawn) wherein such merchandise is offered for sale in recompense for default of loan repayment; see also "title pawn".

Pennant: Any lightweight plastic, fabric or similar material designed to move in the wind; pennants are often suspended from a rope, wire, or string in series. The term "pennant" shall not include a "banner" or an "official or personal flag" as regulated in this Article.

Perennial Stream: A stream that flows throughout the whole year. Perennial streams may be identified as shown as such on a United States Geologic Service Quad map.

Person: Any individual, firm, company, municipal or private corporation, partnership, co-partnership, joint stock company, trust, association, institution, enterprise, governmental agency, the State of Georgia, the United States of America, or other legal entity, or their representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

Personal Care Home: See "Residential Care Facility."

Personal Service Establishment: A business primarily engaged in providing a service generally to individuals, such as a laundry, portrait photographic studio, or beauty or barber shop.

Pervious Surface: Surfaces capable of being significantly infiltrated by stormwater.

Pet: Any animal owned or kept for pleasure rather than sale, which is an animal of a species customarily bred and raised to live in the habitat of humans and is dependent upon them for food and shelter; except that livestock and wild animals shall not be deemed pets.

Place of Public Assembly: Any building, structure or parcel of land where people congregate for such purposes as celebration, worship, amusement, entertainment, or deliberation.

Planned Center: A single office, commercial, or industrial property or contiguous properties, planned, developed and managed as a unit for occupancy by two or more principal businesses that are separately owned and have no corporate relationship, such as a shopping center or office complex.

Plant Materials : Living plants, such as trees, shrubs, ground cover, grasses and perennial flowering plants, turf, and vines that are suitable for ornamental and/or functional use.

Plant Nursery: Land or greenhouses used to raise flowers, shrubs, trees, and other plants for sale to distributors or for subsequent replanting by the owner, a landscape company or others.

Plat, Final: A finished drawing of a subdivision showing completely and accurately all legal and engineering information and certification necessary for recording.

Plat, Preliminary: A drawing which shows the proposed layout of a subdivision in sufficient detail to indicate unquestionably its workability, but is not in final form for recording and the details are not completely computed. An approved planned unit development may be considered a preliminary plat if it is processed under the terms of the zoning ordinance.

Pole: A legally constructed pole, such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal or other material, located or to be located within the public right-of-way. A pole does not include a tower or support structure and does not include a pole or structure that supports electric transmission lines.

Pole sign: See under "freestanding sign."

Political Organization: An organization established to promote the interests of a local, state or national political party or candidate.

Political Season: The time between the date of close of filing for qualification of candidates and final determination on each ballot issue or candidate.

Pollution Susceptibility: The relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundments, applications of chemicals, injections and other human activities in a recharge area.

Pond: A body of standing water less than one acre in surface area, created either by a natural dam, or other means of water impoundment.

Post-Development: Refers to the time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site, as the context may require.

Pre-Development: Refers to the time period, or the conditions that exist, on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.

Premises: An area of land with its appurtenances and buildings which, because of its unity of use, is one unit of real estate.

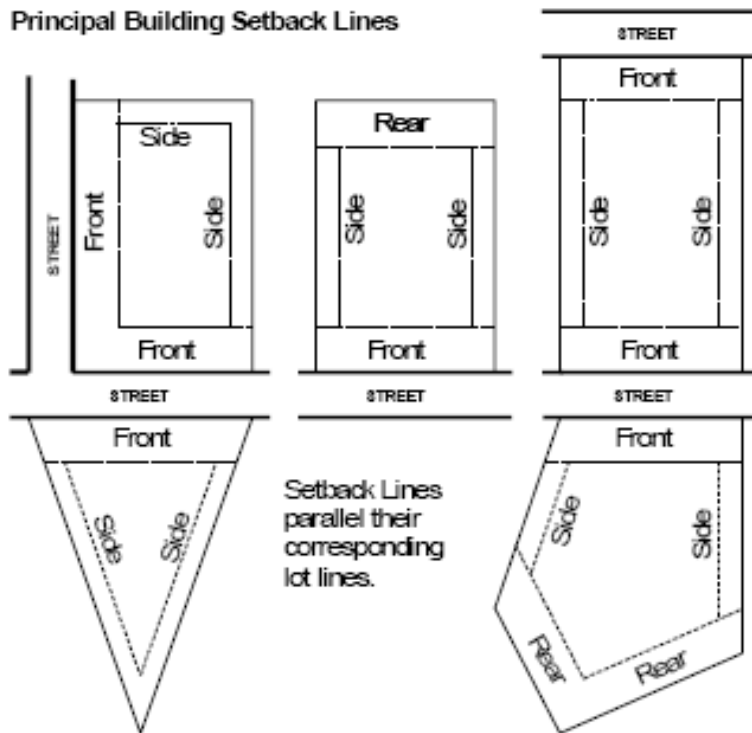
Primary Dwelling: A habitable and occupied dwelling that exists on the property where the manufactured home is to be located.

Principal Building: A building in which is conducted a principal use.

Principal Building Setback Line: A line delineating the minimum allowable distance between a property line (or the right-of-way line) of an abutting street and a principal building on a lot.

- (1) **Front Building Setback:** The minimum allowable distance between the right-of-way line of any abutting street and any part of a principal building on a lot. The front setback distance is applied along the full length of the right-of-way line and is parallel to it.
- (2) **Rear Building Setback:** The minimum allowable distance between a rear lot line and any part of a principal building on a lot. The rear building setback extends along and is parallel to the full length of the rear lot line.

- (3) **Side Building Setback:** The minimum allowable distance between a side lot line and any part of a principal building on a lot. The side building setback extends along and is parallel to the side lot line between the front building setback and a rear building setback (if any).



Principal Freestanding Sign: The main, predominant or largest freestanding sign or signs on a property.

Principal Use: The specific, primary purpose for which land or a building is used.

Private Deed Restrictions or Covenants: Private deed restrictions or covenants are imposed on land by private land owners. They bind and restrict the land in the hands of present owners and subsequent purchasers. They are enforced only by the land owners involved and not by any county or other public agency.

Professional Engineer: An engineer licensed and registered to perform the duties of a professional engineer (P.E.) by the State of Georgia.

Prohibited Use: A use that is not permitted in a zoning district.

Project: The entire proposed development project regardless of the size of the area of land to be disturbed.

Project Entrance Sign: A permanent freestanding sign located at a discernible entrance into a multi-family development, or into a development containing multiple lots, such as but not limited to a particular residential or commercial subdivision, business center, office park or industrial park.

Projecting Sign: See under "Building Sign."

Property or Parcel of Land: See "Lot."

Public Improvement: The construction, enlargement, extension or other construction of a facility intended for dedication to the public, including but not limited to a street, curb and gutter, sidewalk, cross drain,

catch basin, traffic control and street name sign, or other roadway appurtenance other than a driveway apron connection; domestic water supply system main, fire hydrant, valve or other appurtenance other than a supply line to a building; or sanitary sewerage main or outfall, lift station, force main, manhole or other appurtenance other than a drain line from a building.

Public Open Space: See under "open space."

Public Right of Way or ROW: The area on, below, or above property that has been designated for use as or is used for a public roadway, highway, street, sidewalk, alley or similar purpose, and for purposes of this section shall include public utility easements, but only to the extent Douglas County permits use of the area or public utility easement for communications facilities or poles, towers and support structures that support communications facilities. The term does not include a federal interstate highway or other areas that are not within the legal jurisdiction, ownership or control of Douglas County.

Public Utility: A utility owned and operated by a government or public authority.

- (1) *Public Sewerage System:* A sanitary sewerage system for the collection of water-borne wastes complete with a sewage treatment plant that is owned and operated by a public agency or authority.
- (2) *Public Water System:* A system for the intake, treatment and distribution of potable water that is owned and operated by a public agency or authority.

Publicly Dedicated: Land or improvements that has or have been transferred by plat or deeded to and accepted by the appropriate government or public authority for public use and maintenance.

Publicly Used Structures: Structures that are owned by a governmental entity or a bona fide nonprofit organization and include, but are not limited to, facilities such as fire stations, libraries, community centers, convention centers, courthouses, utility structures, water towers, elevated roadways, bridges, flag poles, schools, hospitals, clock or bell towers, light poles and churches.

Pushcart: a non-self-propelled vehicle limited to serving commissary prepared or prepackaged food and non-potentially hazardous food, unless the equipment is commercially designed and approved to handle food preparation and service. Pushcarts shall not be required to comply with mobile vehicular safety requirements.

Quasi-public: A use that performs a government or public function but is under private ownership or control.

Qualified Personnel: Any person who meets or exceeds the education and training requirements of O.C.G.A. 12-7-19.

Putrescible Wastes: Wastes that are capable of being quickly decomposed by microorganisms. Examples of putrescible wastes include but are not necessarily limited to kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, dead animals, garbage and wastes which are contaminated by such wastes.

Radio or TV Transmission Tower: See "telecommunications tower."

Radioactive Waste: The byproducts of nuclear reactors and military, industrial, and medical activities using radioactive material.

Recharge Area: Any portion of the earth's surface, where water infiltrates into the ground to replenish an aquifer.

Recreation Facility, Community: A swimming pool, tennis court, or other recreation facility owned by or provided for the use of the residents of a subdivision, apartment project, or other residential development.

Recreation Facility, Private: An accessory use to a dwelling designed and equipped for the conduct of personal leisure time activities such as a swimming pool, tennis court, deck, or patio. See also "community recreation facility."

Recreational and Vacation Camp: Establishments primarily engaged in operating overnight recreational vehicle camps and parking areas, family vacation camps, hunting and fishing camps, and outdoor adventure retreats, that may or may not offer trail riding, white water rafting, hiking, and similar activities. These establishments provide accommodation facilities, such as cabins and fixed campsites along with RV and Travel Trailer parking spaces, and other amenities, such as food services, recreational facilities and equipment, and organized recreational activities. This includes Recreational Vehicle (RV) and travel trailer parking areas and primitive or prepared campsites/ campgrounds.

Recreational Vehicle: A motorized camper, converted bus, tent trailer, motor home, or other similar vehicular or portable structure, provided with sleeping accommodations and used for temporary portable housing or occupancy while on vacation or other recreational trip away from the occupant's place of residence.

Recreational Vehicle Dealer: The use of any building or premises for the display and sale of new or used recreational vehicles, and which may include any repair service conducted as an accessory use.

Recycled water system: A water system that captures and reuses water previously used in wash or rinse cycles.

Recycling: Any process by which materials that would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

Recycling Center: A lot or parcel of land, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products. No smelting or other processing activities are permitted.

Recycling Center, Collecting: Any facility utilized for the purpose of collecting materials to be recycled including, but not limited to, plastics, glass, paper and aluminum materials. A drop off point for temporary storage of recyclables, no processing or reprocessing of materials is allowed. Such use may be principal or accessory to a non-residential use on non-residentially zoned property.

Recycling Collection Locations: Metal or heavy-duty plastic containers designed for short term holding of pre-bagged recyclable items such as tin, aluminum, glass, and paper (no perishable or food items allowed) for scheduled, minimum monthly pickup with no on-premise sorting.

Recycling Center, Reprocessing: A facility, in which recyclables, such as newspapers, magazines, cardboard, books and other paper products; glass; metal cans; and other products, are recycled, reprocessed and treated to return such products to a condition in which they may again be used in new products. This does not include the reprocessing or storage, bailing or otherwise dealing in scrap irons or other metals, used cloth, plumbing fixtures, appliances, brick, wood or other building materials; and the storage or accumulation outside of a storage building of used vehicle tires or tire carcasses. A recycling center is not to be considered a landfill.

Redevelopment: A land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff or cause additional nonpoint source pollution.

Regional Stormwater Management Facility or Regional Facility: Stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

Registered Land Surveyor: A land surveyor licensed and registered to perform the duties of a registered land surveyor (R.L.S.) by the State of Georgia.

Regulated Stream: A natural, free-flowing watercourse that meets certain criteria as established within the Environmental Protection Article of this Code.

Regulatory Flood: The flood standard equal to or higher than the Base Flood. The Regulatory Flood is defined as the flood having a 1% or greater chance of being equaled or exceeded in any given year assuming the drainage basin is fully developed as shown on the current land use plan. Only structural stormwater control facilities that can be shown will remain (i.e. owned by the Authority) and are large enough to be included in the hydrograph routings shall be considered when determining the flood peak.

Regulatory Flood Elevation: The flood standard equal to or higher than the Base Flood Elevation. The Regulatory Flood Elevation is defined as the highest water surface anticipated at any given point during the regulatory flood.

Relative: A person related by blood, marriage or adoption, but extending in lineage no more than two generations (grandparent, parent, child or grandchild) or laterally no farther than sibling, niece or nephew.

Religious Institution: See "Church or Other Place of Worship."

Remodeling: To construct an addition or alter the design or layout of a building or make substantial repairs or alterations so that a change or modification of the entrance facilities, toilet facilities, or vertical access facilities is achieved.

Replacement Tree : A new tree planted on a site to meet minimum tree density standard requirements (regardless of whether trees existed prior to any development).

Reserve Strip: A strip or tract of land reserved for the purpose of controlling or limiting access from properties to abutting streets.

Reside: The act of living in a dwelling unit at a specific point in time.

Residential Business: See "home business" under "home occupation."

Residential Care Facility: Individual assistance or care for individuals who can function independently but who otherwise need assistance with self-administered medication and essential activities of daily living such as eating, bathing, grooming, dressing and toileting. Independent living and in-home care facilities require do not require the assistance of staff. The managing caregiver of a residential care facility retains the principal use of the site as residential. A Residential Care Facility does not contemplate skilled nursing or supervision. Care is provided for two or more adults who are not related to the owner or administrator by blood or marriage.

Residential Lot: A lot, tract or parcel of land that is occupied by a primary dwelling and properly zoned for such use.

Restaurant, Custom Service: An establishment where food and drink are prepared to individual order, ordered and served at the table, and consumed primarily within the principal building or in established outdoor dining areas, as contrasted to a fast food restaurant.

Restaurant, Family: A Custom Service Restaurant primarily oriented to sit-down service, occasionally with take-out service but no drive-in or drive-through facilities, and having an average turnover rate generally of less than 1 hour. Family restaurants are usually moderately priced and frequently belong to chains such as Denny's, Pizza Hut and Shoney's.

Restaurant, Fast Food: Any establishment, building or structure where food or drink are served for consumption, either on or off the premises, by order from or service to persons either over an interior counter, outside the structure or from an outdoor service window or automobile service window, or by

delivery. This definition shall not include otherwise permitted restaurants where outdoor table service is provided to customers in established outdoor dining areas or where drive-through or take-out service is provided incidental to a Custom Service Restaurant.

Restaurant, Quality: A Custom Service Restaurant primarily oriented to fine dining and often associated with a particular cuisine. Quality restaurants are characterized by table settings of better silverware, china, glassware and cloth tablecloths, and have average turnover rates generally of 1 hour or more.

Retail Sales, Outdoor: The display and sale of products and services primarily outside of a building or structure, including vehicles, garden supplies, gas, tires and motor oil, food and beverages, boats and aircraft, farm equipment, motor homes, burial monuments, building and landscape materials, and lumber yards.

Retail Sales, Seasonal: The temporary establishment of a retail use during a period for which the commodity sold is only available or appropriate to a specific season or period.

Retail Store: An establishment principally engaged in offering a category of similar goods or products for sale to the general public, such as a grocery store, hardware store, pharmacy, clothing shop, home furnishings store, office supplies store, and the like.

Retirement Community: An age-restricted residential development that offers significant services and facilities for the elderly, including social and recreational activities, personal care services, or health facilities limited to use by the development's residents. At least 80% of the units must be occupied by residents 62 years old or older, and the remaining units must be occupied by at least one resident 55 years old or older.

Review Staff: The representatives of the various departments on the Douglas County Development Review Committee.

Riparian: (with regard to stream buffer protection) belonging or related to the bank of a river, stream, lake, pond or impoundment.

River: A natural, free-flowing watercourse that is typically of greater volume than a stream or creek. See also "State Protected River."

River Bank: The rising ground, bordering a river, which serves to confine the water to the natural channel during the normal course of flow.

Road Classification System: A functional system for the classification of public roads and rights-of-way as identified and described in the Transportation Plan for Douglas County, or as established by the Georgia Department of Transportation.

Roadbed: That portion of a street improved for vehicular travel, including the curbs and shoulders.

Roadway: The paved portion of a street improved for vehicular travel, measured from back of curb to back of curb, or from edge of pavement to edge of pavement for swale ditch roads.

Roadway Drainage Structure: A device such as a bridge, culvert or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Roof Sign: See under "Building Sign."

Rooming or Boarding House: An owner-occupied dwelling within which a resident family offers lodging or lodging and meals to two or more persons not under the resident's parental or protective care in exchange for monetary compensation or other consideration.

Runoff: Stormwater runoff.

Seasonal Business Use: an activity having a specific duration related to a holiday or special event which is secondary to the primary business or group occupying the property such as Christmas Tree Sales, Pumpkins/Gourds, Valentines Baskets, etc.

Scenic views: those geographic areas containing visually significant or unique natural features, as identified in the Douglas County Comprehensive Plan.

School: Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge.

Scrap Yards and Junk Yards: A building or premises used primarily for the collecting, storage or sale of waste paper, rags, scrap metal or other discarded material; or for the collecting, dismantling, storage, or salvage of machinery or vehicles not in running condition, or for the sale of parts thereof.

Screening: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation. Screening may consist of any combination of the following, as approved by the Director of Development Services:

- (1) Fencing constructed of suitable all-weather material allowed under this Code (fencing required to meet a provision of this Code shall not be of wooden construction).
- (2) Masonry walls.
- (3) Plant materials or natural vegetation.
- (4) Earthen berms.

Sediment: Solid material, both organic and inorganic, that is in suspension, is being transported or has been moved from its site of origin by air, water, ice or gravity as a product of erosion.

Sedimentation: The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

Self-service car wash: A commercial car wash where the customers wash their cars themselves with spray wands and brushes.

Semi-Trailer: A trailer with a set or sets of wheels at the rear, the forward portion of which is designed to be supported by the truck tractor or towing vehicle. For the purpose of this definition, flatbeds designed to be hauled by truck tractors are included as semi-trailers.

Service Establishment, Personal or Business: Businesses primarily engaged in providing assistance, as opposed to products, to individuals, businesses, industry, government, and other enterprises, such as personal, business, and repair services including shoe repair, leather goods repair, and small machinery, watch, and instrument repair; health and beauty including nail salon; key duplicating and locksmith; reupholstery and furniture repair; interior decorators, travel agents, technical and other professional services; educational and tutoring services; membership organizations.

Setback: The shortest straight-line distance between a street right-of-way or lot line and the nearest point of a structure or building or projection therefrom (excluding roof overhangs of 18 inches or less), measured at 90 degrees to the street or lot line.

Setback, Minimum: The shortest distance allowed between a street right-of-way line or any other lot line and any principal or accessory building on a lot. Minimum setback requirements for buildings are associated with the type of lot line from which the setback is taken; for instance, a "side yard setback" is measured from a side lot line.

Sexually-Oriented Adult Use: Any establishment that, as a regular and substantial business purpose, offers services, live performances or materials in print or in any photographic or recorded media that involves sexually-oriented activities or depicts sexually-oriented anatomical areas, with the intent of providing sexual stimulation or gratification to the customer. Such uses include but are not limited to: an adult bookstore, adult dancing establishment, adult mini-motion picture theater, adult motion picture arcade, adult motion picture theater, adult video store, lingerie modeling, erotic dance establishment, and an escort bureau.

- (1) **Sexually-Oriented Anatomical Area :** Uncovered or exposed human genitals, pubic region or pubic hair, vulva or anus; female breast or breasts below a point immediately above the top of the areola or nipple; or male genitals in a discernable erect state, even if completely and opaquely covered
- (2) **Sexually-Oriented Activity :** Actual or simulated act of masturbation, sodomy or sexual intercourse; physical contact, in an act of apparent sexual stimulation or gratification, with a person's clothed or unclothed genitals, pubic area, buttocks or female breasts; or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification.

Shopping Center: A commercial development containing at least three retail sales or services establishments located in one building, the total gross floor area of which is 25,000 square feet or greater.

Shade Tree : A deciduous overstory tree.

Short Term Rental/ Vacation Rental Home: A dwelling unit or portion thereof, or accessory dwelling unit that can be rented for a duration of occupancy of less than 30 days to a single party.

Shrub: A self-supporting woody plant that normally reaches a height of less than 15 feet.

Sign: Any structure, display, or device that is used to advertise, identify, direct, or attract attention to a business, institution, organization, person, idea, product, service, event, or location by any means, including words, letters, figures, design characteristics, symbols, logos, fixtures, colors, movement, or illumination.

Sign Face: That portion of the surface of a sign structure where words, letters, figures, symbols, logos, fixtures, colors, or other design elements are or may be located in order to convey the message, idea, or intent for which the sign has been erected or placed. The sign face may be composed of two or more modules on the same surface that are separated or surrounded by open space or by portions of a sign structure not intended to contain any advertising message or idea and are purely structural or decorative in nature.

Sign Module: Each portion or unit of a sign face that is clearly and physically separable from other such units by virtue of the expression of a complete thought, message, logo, or idea.

Sign Structure: All elements of a freestanding sign, including the sign face, background, or decorative elements related to the presentation or support of the sign's message, and the structural supports.

Significant Recharge Area: Those areas mapped by the Georgia Department of Natural Resources in Hydrologic Atlas 18 (1989 edition).

Single-Family Attached Dwelling: See under "Dwelling."

Single-Family Detached Dwelling: See under "Dwelling."

Site: The parcel of land being developed, or the portion thereof on which the land development project is located.

Slope: The degree of deviation of a surface from the horizontal, usually expressed in percent or degree.

Sludge: Any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

Small Box Discount Store: A store with a minimum of 2,000 square feet and a maximum of 16,000 square feet which sells at retail an assortment of physical goods, products, or merchandise directly to the customer, including food or beverages for off-premises consumption, household products, personal grooming and health products, and other consumer goods and continuously offer a majority of the items in their inventory for sale at a price lower than traditional stores. Small box discount stores do not include retail stores that:

- (a) dedicate at least fifteen (15%) of shelf space to fresh or fresh frozen food, where fresh or fresh frozen food means food for human consumption that is unprocessed, or otherwise in its raw state; food that was quickly frozen while still fresh. This includes unprocessed meat, seafood, and cheese; or
- (b) dedicate less than two percent (2%) of shelf space to food of any kind; or
- (c) contain a prescription pharmacy; or (d) offer for sale gasoline or diesel fuel; or
- (e) are located inside a regional shopping center

Small Wireless Facility: A Facility that meets both of the following qualifications: (i) each antenna could fit within an enclosure of no more than 6 cubic feet in volume and (ii) all other wireless equipment associated with the antenna, including the Provider's preexisting equipment, is cumulatively no more than 28 cubic feet in volume.

Softwood tree: Any coniferous (cone bearing) tree, such as pine, fir, hemlock, cedar, etc. This definition is based on the colloquialism, and does not necessarily reflect any true qualities of the tree.

Soil and Water Conservation District Approved Plan: An erosion and sediment control plan approved in writing by the West Georgia Soil and Water Conservation District.

Soils: The upper layer of earth that can be dug or plowed; the loose surface material of the earth in which vegetation normally grows.

Solar

Building-Integrated System: A solar photovoltaic system that is constructed as an integral part of a principal or accessory building or structure and where the building-integrated system features maintain a uniform profile or surface of vertical walls, window openings, and roofing. Such a system is used in lieu of a separate mechanical device, replacing or substituting for an architectural or structural component of the building or structure that appends or interrupts the uniform surfaces of walls, window openings and roofing. A building-integrated system may occur within vertical facades, replacing view glass, spandrel glass or other facade material; semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems.

Building-Mounted System: A solar photovoltaic system attached to any part or type of roof on a building or structure that is either the principal structure or an accessory structure on a recorded property. This system also includes any solar-based architectural elements.

Solar-Grid-Interconnection: The technical and practical link between the solar generator and the grid providing electricity to the greater community.

Kilowatt (kW): A unit of electrical power equal to 1,000 Watts, which constitutes the basic unit of electrical demand. A watt is a metric measurement of power (not energy) and is the rate (not the duration) at which electricity is used. 1,000 kW is equal to 1 megawatt (MW). **Module:** A module is the smallest protected assembly of interconnected PV cells.

Photovoltaic (PV): A semiconductor-based device that converts light directly into electricity. **Solar-Based Architectural Element:** Structural/architectural element that provides protection from weather that includes awnings, canopies, porches or sunshades and that is constructed with the primary covering consisting of solar PV modules, and may or may not include additional solar PV related equipment.

Solar Photovoltaic (PV) Related Equipment: Items including a solar photovoltaic cell, panel or array, lines, mounting brackets, framing and foundations used for or intended to be used for collection of solar energy.

Solar Photovoltaic (PV) System: A solar collection system consisting of one or more building- and/or ground-mounted systems, solar photovoltaic cells, panels or arrays and solar related equipment that rely upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation. A solar PV system is a generation system with a nameplate capacity of not greater than 50 kilowatts if installed at a residential service or not larger than 3,000 kilowatts at other customer service locations and do not produce excess on-site energy greater than currently permitted by Georgia Public Utility Commission guidelines unless expressly permitted for higher rating.

Solar-Tracking System: A number of photovoltaic modules mounted such that they track the movement of the sun across the sky to maximize energy production, either with a single-axis or dual-axis mechanism.

Solid Waste: Any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. Section 1342; or source, special nuclear, or by-product material as defined by the federal Atomic Energy Act of 1954, as amended (68 Stat. 923).

Solid Waste Disposal Facility: Any facility or location where the final disposition of solid waste occurs and includes, but is not limited to, landfilling and solid waste thermal treatment technology facilities.

Solid Waste Handling: The storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste, or any combination of such activities.

Solid Waste Handling Facility: Any facility, the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste.

Solid Waste Transfer Station: A facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal facility or processing operation.

Special Use: A use allowed in a particular zoning district where the use is not otherwise permitted upon approval of the Board of Commissioners based on standards and requirements of this Code.

Specimen tree: Any tree which qualifies for special consideration for preservation due to size, type and condition, as follows

- a. Any tree in fair or better condition which equals or exceeds the following diameter breast height (dbh) sizes:
 1. 20-inch dbh—Overstory hardwoods such as oaks, hickories, yellow poplars, sweetgums, etc.
 2. 24-inch dbh—Overstory softwoods such as sweetgums, deodar cedars, etc.
 3. 4-inch dbh—Understory small trees such as dogwoods, redbuds, sourwoods, etc.
 4. 30-inch dbh - Pine trees (all species)
- b. A tree in fair or better condition must meet the following minimum standards:
 1. A life expectancy of greater than 15 years.

2. A structurally sound trunk, not hollow and having no extensive decay, and less than 20 percent radial trunk dieback.
 3. No more than one major and several minor dead limbs (hardwoods only).
 4. No major insect or pathological problem.
- c. A lesser sized tree can be considered a specimen tree if it is a rare or unusual species, of exceptional or unique quality, or of historical significance, subject to approval of the County Arborist.
 - d. A lesser size tree can be considered a specimen tree if it is specifically used by a builder, developer, or design professional as a focal point in a landscape project, subject to approval of the County Arborist.

Specimen tree stand: A contiguous grouping of trees which has been determined to be of high value in the opinion of the County Arborist. Determination is based upon the following criteria:

- a. A relatively mature, even-aged stand.
- b. A stand with purity of species composition or of a rare or unusual nature.
- c. A stand of historical significance.
- d. A stand with exceptional aesthetic quality.

Sports Facility, Commercial: The use of any building, structure or premises for the conduct of a professional or semi-professional sport, such as a boxing pavilion, track and field racetrack, stadium or sports field, where admission is charged in order to pay the players or fund a prize purse.

Stabilization: The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

Stable, Neighborhood: A facility for the keeping of horses for the private use of the residents of the lot. Such facility may include the commercial boarding of (10) ten or fewer horses and no more than one (1) instructor engaged for the purpose of educating and training students in equitation.

Stable, Private: A facility for the keeping of horses for the private use of the residents of the lot. Such facility may include the commercial boarding of twenty (20) or fewer horses and no more than two (2) instructors engaged for the purpose of educating and training students in equitation.

Start of Construction: The date the permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date, for new construction or a substantial improvement as follows:

- (1) For New Construction: The actual start means the first placement of permanent construction of the structure, such as the pouring of slabs or footings, installation of pipes, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structures, such as garages or sheds not occupied as dwelling units or part of the main structure.
- (2) For a Substantial Improvement: The actual start of construction means the first alteration of any wall, ceiling, floor or other structural parts of a building, whether or not that alteration affects the external dimensions of the building.

State General Permit: The National Pollution Discharge Elimination System general permit or permits for storm-water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the State's authority to implement the same through federal delegation under the

Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and O.C.G.A. 12-5-30(f).

State Protected River: A "state protected river" is any perennial river or watercourse that has an average annual flow of at least 400 cubic feet per second as determined by the State. In Douglas County, the Chattahoochee River is a protected river.

State Waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation.

Static Head: The depth of water at the entrance to a culvert when the depth is greater than the diameter of the pipe.

Steeple: A tower rising above the main structure of a building, especially a church or other house of worship, usually capped with a spire.

Storage: The placement, keeping, or retention of vehicles, equipment, materials, goods, or products on a temporary basis for intermittent use or subsequent distribution or transfer.

Stormwater Better Site Design: Nonstructural site design approaches and techniques that can reduce a site's impact on the watershed and can provide for nonstructural stormwater management. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover, and using natural features for stormwater management.

Stormwater Management: The collection, conveyance, storage, treatment, and disposal of stormwater runoff in a manner intended to prevent increased flood damage, stream bank channel erosion, habitat degradation, and water quality degradation and to enhance and promote the public health, safety, and general welfare.

Stormwater Management Facility: Any infrastructure that controls or conveys stormwater runoff.

Stormwater Management Measure: Any stormwater management facility or nonstructural stormwater practice.

Stormwater Management Plan: A document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this Section.

Stormwater Management System: The entire set of structural and nonstructural stormwater management facilities and practices that are used to capture, convey, and control the quantity and quality of the stormwater runoff from a site.

Stormwater Retrofit: A stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

Stormwater Runoff: The flow of surface water resulting from precipitation.

Story: That portion of a building included between the surface of any floor and the surface of 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 and including those basements used for the principal use.

Stream: A natural, free-flowing watercourse with either constant or intermittent flow of moderate volume typically less than that of a river.

Stream, Regulated: See "Regulated Stream."

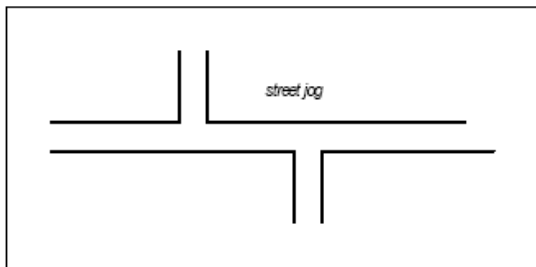
Stream Bank: The point where vegetation has been wrested by normal stream flow or wave action.

Stream Buffer: (1) A strip of natural indigenous vegetation (of width determined by the Watershed Protection regulations) adjacent and parallel to the bank of a regulated stream designed to preserve and improve the quality of water within the regulated stream and its watershed. (2) An area along the course of any state waters to be maintained in an undisturbed and natural condition.

Stream Channel: (with regard to stream buffer protection) means the portion of a watercourse that contains the base flow of the stream.

Street: A publicly dedicated road intended to accommodate vehicular traffic, or a private roadway approved as such by the Board of Commissioners.

Street Jog: the incidence where 2 streets or 2 portions of a single street are separated by a relatively short distance, usually at their intersection with another street. (See illustration.)



Street, Private: A roadway held in private ownership by the owners of the properties that the roadway serves.

Street, Public: A roadway located within a right-of-way dedicated to and accepted by a governmental entity such as a city, county or the State of Georgia.

Stucco: Plaster or cement, either fine or coarse, used for surfacing inside or outside walls or for molding relief ornaments, cornices, etc.

Structural Alteration: Any change in either the supporting members of a building, such as bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.

Structural Erosion and Sedimentation Control Measures (Structural Practices): Measures for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sedimentation control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading. Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

Structure: An object, including a mobile object, constructed or installed by man, including, but without limitation, buildings, towers, cranes, smokestacks, and overhead transmission lines. For purposes of a building permit, a structure is any object affixed to the ground or erected upon it, in excess of 200 square feet in size.

Structure Height: The vertical distance to the highest point of a structure (other than a building), as measured from the average grade at the base of the structure or from the average grade directly below a projecting structure. See also "Building Height."

Structural Stormwater Control: A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff, including, but not limited to, the quantity and quality, the period of release, or the velocity of flow of such runoff.

Subdivider: Any person, individual, firm, partnership, association, corporation, estate, or trust, or any group of trusts, or any group or combination of groups acting as a unit, dividing, or proposing to divide land so as to constitute a subdivision as herein defined, including any agent of the subdivider.

Subdivision: (1) The division of a property or tract of land into two or more tracts or lots; (2) a land development project in which two or more lots are created, along with the streets and utilities needed to support construction of buildings on the lots; (3) The division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership, or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before damage occurred.

Substantial Improvement: Any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during the life of a building, in which the cumulative cost equals or exceeds 50 percent of the market value of the building prior to improvement. The market value of the building means:

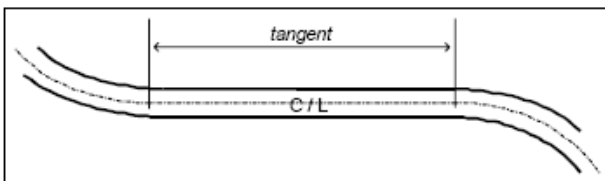
- (1) The appraised value of the building prior to the start of the initial repair or improvement; or
- (2) In the case of damage, the value of the building prior to the damage occurring. This term includes structures that have incurred "substantial damage," regardless of the actual amount of the actual repair work performed.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include those improvements of a building required to comply with existing health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified through enforcement of this Development Code and not solely triggered by an improvement or repair project.

Substantially Improved Existing Manufactured Home Park or Subdivision: Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, rehabilitation or improvement commenced.

Supermarket or Grocery Store: A retail establishment primarily selling fresh or prepackaged foods including meat, produce, canned goods, and dairy products as well as other convenience and household goods.

Tangent: the straight-line distance between the ending of one curve of a line (center line of a street) and the beginning of another curve of the same line (center line). (See illustration.)



Telecommunications Facilities: Antennae and towers, either individually or together.

Telecommunication Tower: Any structure designed and constructed primarily for the support of one or more antennae and including guyed, self-support (lattice) and monopole types. This term does not include Alternative Tower Structures.

Telecommunication Tower Height: The vertical distance to the highest point of a tower, as measured from the average grade at the base of the tower or from the average grade directly below a projecting antenna array.

Telecommunication Tower Standard Modifications: Modifications to a telecommunication tower that do not require increases in height or lease area, but would allow for changes in equipment type or location on the tower.

Temporary Event: An activity having a specific duration or the end of which is related to a specific action, usually lasting for only a few days or months at a time. Temporary events include but are not limited to such activities as:

- (1) The offering of a property or premises for sale or rent;
- (2) An election, political campaign, referendum, or ballot proposition put to the voters as part of county, county, state, or federal governance;
- (3) Special business promotions, such as but not limited to "grand openings," "close-out sales," carnivals and seasonal sales events;
- (4) A yard sale;
- (5) The construction of a building or development project, or the rehabilitation, remodeling, or renovation of a building;
- (6) An announcement by a property owner or occupant to the general public; or
- (7) A special event by a nonprofit organization, such as a community fair or religious assembly.

Temporary food establishment: a retail food establishment, other than a licensed mobile food vendor or pushcart, that is not intended to be permanent and that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.

Temporary Outdoor Event: A use established for a limited duration that may include in excess of 200 guests or participants in attendance at one time during a 24-hour period, such as festivals, concerts, road races, or bike races.

Temporary Special Event: A use established for a limited duration, such as parties, receptions, weddings, celebrations and fundraisers, with the intent to discontinue such use upon the expiration of the time period. A temporary special event is subordinate to the principle use on the lot and requires approval of an Administrative or Special Use Permit.

Temporary Use: A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Temporary Wireless Communication Facility: Portable equipment without permanent foundation that is used for a limited period while a permanent facility is under construction, under repair or during a special public event or emergency. Also called a Cell-on-Wheels (COW).

Tenant: A natural person, business or other entity that occupies land or buildings by ownership, under a lease, or through payment of rent; an occupant, inhabitant, or dweller of a place.

Tent: A temporary or permanent structure having a roof and/or walls of fabric.

Theater: A building or interior space devoted to showing motion pictures, or for live dramatic or musical performances.

- A. Motion picture theater: A building primarily used for the exhibition of movies or other prerecorded productions to the general public in an indoor setting.
- B. Performing arts theater: A building primarily used for the presentation of live performances of plays or music.

Theater, Drive In: An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or other prerecorded productions to patrons seated in automobiles.

Timber Ordinance: The Douglas County, Georgia Timber Ordinance, which regulates the cutting of timber.

Title Pawn, Car title lending: A title pawn is the same as a title loan. Title pawning is defined as a type of secured loan that uses your vehicle title as collateral to secure your loan.

Townhome or Townhouse: See under "Dwelling."

Toxic Waste: Any combination of pollutants, including disease-carrying agents, that, after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, can cause death or disease, mutations, deformities, or malfunctions in such organisms or their offspring and that adversely affect the environment.

Traffic Study: When required, the applicant must prepare and submit a formal traffic study with written report for the specified property prepared and stamped by a professional engineer including the following:

1. A vicinity map showing location of the proposed development in relation to the transportation system;
2. A description of proposed development including size and nature of the entire proposed development and proposed site access points;
3. A proposed site plan;
4. A description of adjacent land uses and roadway network including road names, classifications, lane configurations, traffic control and pedestrian, bicycle and transit facilities;
5. Traffic volumes on existing roads at proposed access point measured within the last 12 months;
6. Operational analysis including average delay, level of service, volumes/capacity ratios, and queue length analysis of intersection of site access and main road and any additional study intersection(s);
7. Accident data summary and analysis (data may be obtained from the City);
8. Safety analysis of proposed site access including stopping sight distance, intersection sight distance, and operational characteristics;
9. Growth factor based on historical count data in the area;
10. Future no build base year volumes and performance evaluation;
11. Future no build horizon year (5 years beyond base year) volumes and performance evaluation;
12. Any assumptions including pass-by and internal capture;
13. Trip generation from ITE latest edition;
14. Trip distribution to show distribution percentages and volumes;
15. Access location and spacing;
16. Turn lane warrants and analysis;
17. Driveway analysis including lane configuration, queue lengths, throat length and channelization;
18. Future build base year volumes and performance evaluation;
19. Future build conditions horizon year (5 years beyond base year) volumes and performance evaluation;
20. Parking needs, required and provided spaces;
21. Description and analysis of mitigation measures; and
22. Appendix to include applicable raw count data, calculation sheets, computer software output of performance evaluation, and warrant worksheets.

Trailer, Camping: Shall mean any portable structure or vehicle designed for highway travel which is used or intended to be used for either living, sleeping, cooking or eating purposes and which does not include all of the following facilities: A flush water closet, a lavatory, a bath or shower, and kitchen sink.

Transmission Tower: See "Telecommunications Tower."

Transmission Tower Height: See "Telecommunications Tower Height."

Travel Trailer: See "recreational vehicle."

Tree: any self-supporting perennial plant, usually having a main stem or trunk and many branches, and at maturity normally attaining a trunk diameter greater than three inches at any point and a height over ten feet.

Tree Density Standard: the minimum number of Tree Units per acre that must be achieved on a property or parcel after development is completed.

Tree Diameter: See "Caliper" for newly planted trees and "Diameter Breast Height (DBH)" for existing trees.

Tree Unit Value: the numerical credit assigned to a tree, based on the diameter of the tree, in accordance with the tables included in this Development Code.

Tree Harvesting: The planting, cultivating and harvesting of trees in a continuous cycle as a regular agricultural practice on a tract of land; not including the removal of trees for purposes of development or the removal of trees without replanting.

Tree Conservation Plan: a plan that identifies tree protection areas, existing trees to be retained and proposed trees to be planted on a property to meet minimum requirements, as well as methods of tree preservation to be undertaken on the site and other pertinent information.

Tree Protection Area: any portion of a site wherein are located existing trees which are proposed to be retained in order to comply with the requirements of this Development Code. The Tree Protection Area shall include the total area beneath the tree canopy as defined by the critical root zone of the tree or group of trees collectively.

Tree Replacement Fund: Refers to the Douglas County Tree Replacement Fund as administered by the Development Services Department.

Tree Save Area: An undisturbed area of existing tree stands or individual tree specimens, that will be protected as part of a tree conservation plan submitted to the Department of Development Services.

Trench: A narrow excavation made below the surface of the ground. In general, the depth is greater than the width, but the width of a trench is not greater than 15 feet.

Tributary: A small creek, river, or stream flowing into a larger one, the smaller stream is considered a tributary.

Trout Streams: All streams or portions of streams as designated by the Game and Fish Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20, *et seq.* Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs. There are no trout streams designated in Douglas County.

Truck, Heavy: See "Heavy Truck."

Truck, Light: Any truck that is not a "heavy truck."

Truck Loading Docks: A portion of a building designed for the loading and unloading of trucks.

Truck Parking Facility, Heavy: Establishments catering solely to the parking needs of the trucking industry, and including parking facilities for heavy trucks.

Truck Terminal: "Truck terminals, draying, or freight" means a storage and distribution facility that specializes in the transfer of freight, but excludes trucking accessory to another business. Typically, a truckload of goods will arrive at the truck terminal, empty the load of goods onto the loading dock area/cross dock, and the goods will be redistributed to other trucks where the goods will be shipped out to other destinations within a short period of time. The terminal is not the point of origin or the final destination of the freight. It includes transportation establishments furnishing services incidental to air, motor freight, and rail transportation including:

1. Freight forwarding services.
2. Freight terminal facilities.
3. Joint terminal and service facilities.
4. Packing, crating, inspection and weighing services.
5. Postal service bulk mailing distribution centers.
6. Transportation arrangement services.
7. Trucking facilities, including moving, transfer and storage.

Truck Tractor: A heavy motor vehicle consisting of a truck cab designed to tow semi-trailers.

Turf: Ground cover composed of one or more species of perennial grass that is grown as a permanent lawn.

Two-Family Dwelling: See under "dwelling."

Under-Canopy Sign: See under "Building Sign."

Understory Tree: Any deciduous or evergreen tree that has the potential to grow to a mature height of less than 40 feet (*Reference Landscape Plant Materials for Georgia* , Cooperative Extension Service, The University of Georgia College of Agriculture, Bulletin No. 625 or any similar publication.) Reference may also be made to the *Manual of Woody Landscape Plants* (Michael Dirr, 1983, Castle Books).

Use: The specific purpose for which land or a building is intended, arranged, designed or for which it may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

Used Merchandise Store: The use of a building or premises primarily for the retail sale of used merchandise or secondhand goods, such as used clothes, antiques, secondhand books or rare manuscripts, or items of architectural salvage, but not including used cars or other motorized vehicles. A pawn shop is a type of used merchandise store.

Utility Company: A private business providing electricity, natural gas, telephone, or other services under the regulation of the Georgia Public Services Commission.

Utility Company Substation: A facility used for the transmission or distribution of services provided by a utility company, such as an electrical transformer station, telephone junction box, cable television box or natural gas regulator station.

Utilities: All public and private, above or below ground, infrastructure systems providing water, stormwater, sewer, gas, telephone or cable television, and any other service controlled by the Georgia Public Services Commission.

Vacation Rental Home/ Short Term Rental: A dwelling unit or portion thereof, or accessory dwelling unit that can be rented for a duration of occupancy of less than 30 days to a single party.

Variance: A written document issued by the Zoning Board or Department of Development Services that authorizes a modification or waiver of one or more requirements of this Unified Development Code if, in the opinion of the Zoning Board or Department of Development Services, a health hazard or nuisance will not result from the modification or waiver. Generally a variance is a grant of relief from the requirements of this UDC which permits construction in a manner otherwise prohibited by this UDC.

Vegetation: All plant growth, such as trees, shrubs, mosses and grasses.

Vegetative Erosion and Sedimentation Control Practices: Practices for the stabilization of erodible or sediment-producing areas by covering the soil with:

- (1) Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
- (2) Temporary seeding, producing short-term vegetative cover; or
- (3) Sodding, covering areas with a turf of perennial sod-forming grass.

Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

Vehicular Sign: Any sign placed, mounted, painted on or affixed to a motor vehicle, freight, flatbed or storage trailer or other conveyance when same are placed or parked in such a manner as to be viewed or intended to be viewed from the public right(s)-of-way except that this definition shall not apply when:

- (1) Such conveyances are actively being used to transport persons, goods or services in the normal course of business;
- (2) When such conveyances are parked in an inconspicuous area; or
- (3) When such conveyances are actively being used for storage of construction materials for, and on the same lot with a bona fide construction project for which building and other applicable permits have been issued and where construction is underway and provided said conveyances are located within designated storage areas.

Veterinarian: A hospital or clinic providing medical care and treatment for livestock or pets.

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

Walkway: A right-of-way within a block dedicated to public use, 10 feet or more in width, intended primarily for pedestrians and from which motor propelled vehicles are excluded.

Wall Sign: See under "Building Sign."

Warehouse: A building used primarily for the storage of goods and materials.

Watercourse: (1) Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater. (2) A channel in which a flow of water occurs, whether continuously or intermittently.

Watershed: The total area of land that is drained by a river or stream and its tributaries.

Water Supply Reservoir: A governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned drinking water systems. This definition specifically excludes the multipurpose reservoirs owned by the U.S. Army Corps of Engineers.

Water Supply Watershed: The area upstream of a governmentally owned public drinking water supply intake.

Waters of the State: All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies of accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof. See also "State Waters."

Wetlands: Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. The ecological parameters for designating wetlands include hydric soils, hydrophytic vegetation, and hydrological conditions that involve a temporary or permanent source of water to cause soil saturation.

Wetlands. Jurisdictional: An area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.

Wetlands, Protected: Those wetlands identified on the National Wetlands Inventory maps prepared by the U.S. Fish and Wildlife Service, or otherwise approved by the U.S. Army Corps of Engineers based on competent studies prepared by a registered and qualified professional engineer.

Window Sign: See under "Building Sign."

Wireless Facility: The equipment at a fixed location or locations in the public ROW that enables wireless services. The term does not include: (i) the support structure, Tower or Pole on, under, or within which the equipment is located or collocated; or (ii) coaxial, fiber-optic or other cabling that is between communications facilities or poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna. A small wireless facility is one type of a wireless facility.

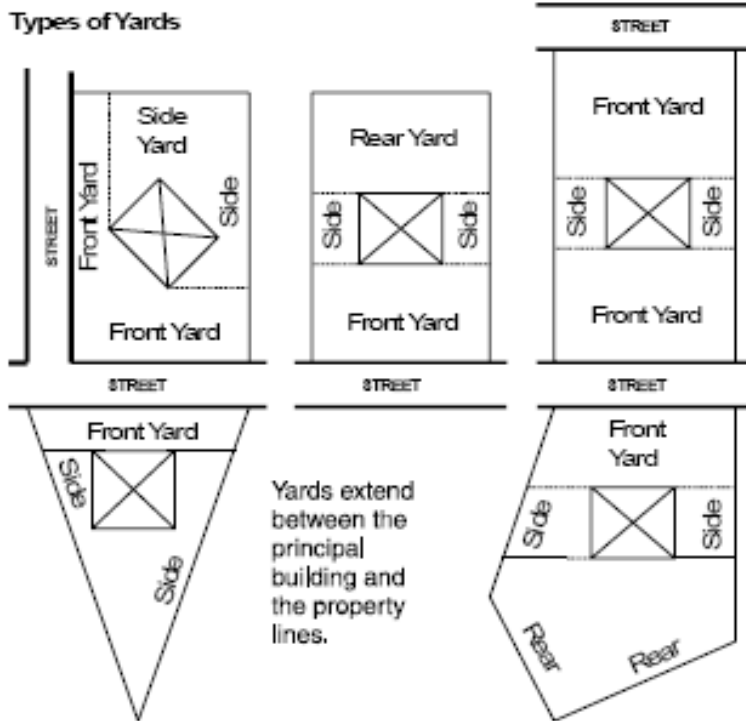
Wireless Services: Any wireless services using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided to the public.

Wholesale Trade Establishment: A place of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

WSA: The Douglasville-Douglas County Water and Sewer Authority.

Yard: An area that lies between the principal building on a lot and the nearest lot line.

- (1) **Front Yard:** a yard extending the full width of the lot, located between the street line and the front line of a principal building, projected to the side lines of the lot.
- (2) **Rear Yard:** a yard extending the full width of the lot and situated between the rear lot line of the lot and the rear of a principal building projected to the side lines of the lot.
- (3) **Side Yard:** a yard located between the side of a principal building and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.
- (4) **Court Yard:** A yard that is semi-enclosed on two or more sides by the walls of a building or structure or the extension of such walls.



Yard Sale: A one- or two-day sale of common household items from a residential lot or lots.

Yard Trimmings: Leaves, brush, grass, clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance other than mining, agricultural, and silvacultural operations.

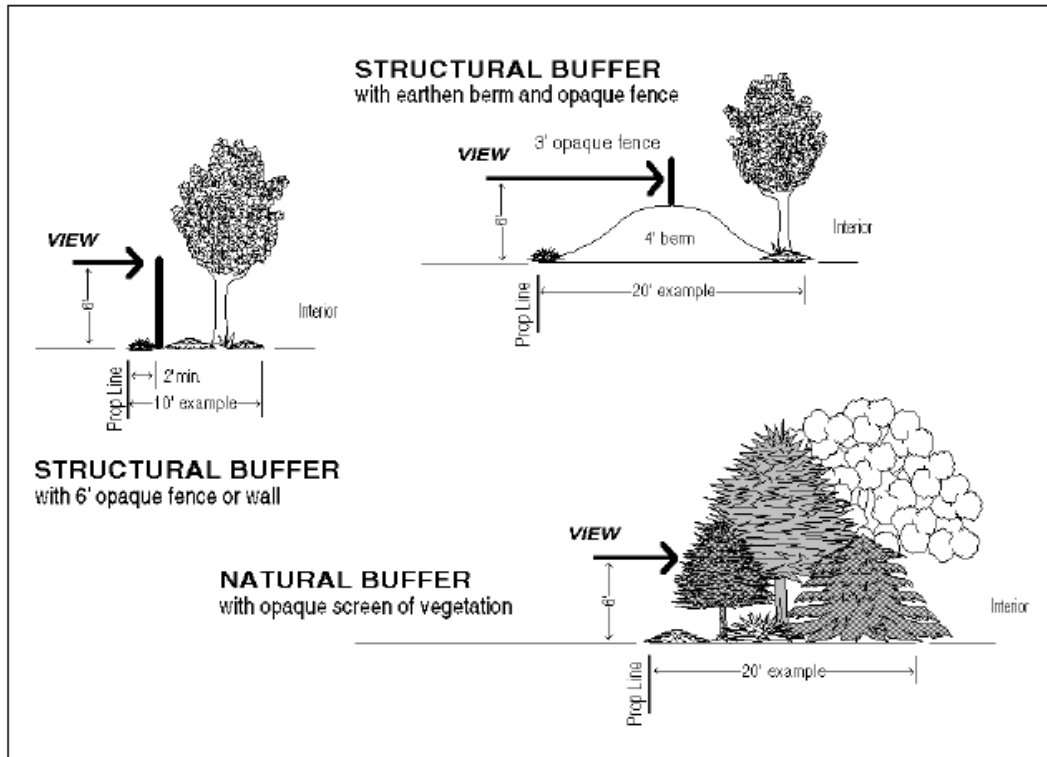
Zero Lot Line: The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line, such as "patio homes."



Zoning Buffer: An area of natural vegetation or man-made construction which is intended to provide a visual and dimensional separation between dissimilar land uses.

- (1) **Natural Buffer:** A visual screen created by vegetation of such density so as to present an opaque visual separation when viewed from one side to the other throughout the year.
- (2) **Structural Buffer:** A visual screen created through construction of a decorative masonry wall, earthen berm, or combination of a wall with an earthen berm, which may be supplemented with

vegetation, so as to present an opaque visual separation when viewed from one side to the other throughout the year.



Zoning Change: An amendment to the Zoning Map (rezoning), approval of a Special Use, or approval of a change in the conditions of approval associated with a rezoning or Special Use.

Appendix A: Design Standard Details

This Appendix provides written and visual guidance on examples of site design, architectural design, and landscape design in Douglas County. Compliance with these standards is required for all new non-residential structures; renovations of existing non-residential structures; new multi-family structures; renovations of existing multi-family structures; and new residential structures in major subdivisions. Compliance is encouraged for all other new construction in Douglas County. All projects shall be reviewed for compliance with these standards prior to the issuance of a building permit. For new residential structures in major subdivisions, an architectural pattern book should be submitted with the application for Final Plat, unless otherwise required as a part of a zoning action.

Section 1 – Residential Design Standards

New residential development will maintain a cohesive neighborhood character. Character describes visual and physical features of the principle structure. Particular attention is paid to height; scale; massing; roof pitch; exterior finish materials; window and door details; ornamental details; and surrounding landscape.

- A. The purpose and intent of these regulations is to
 - 1. Ensure a safe, stable and secure building stock to meet the needs of Douglas County residents;
 - 2. Provide architectural and design diversity of the built environment of the county;
 - 3. Develop a scale and massing appropriate to the context of the development;
 - 4. Promote quality design and aesthetics to support long term economic viability;
 - 5. Ensure predictability and consistency to support orderly community growth;
 - 6. Encourage design features that will support community wellness, safety, quality materials, and aesthetics.
- B. Interpretation of terms
 - 1. Interpretation of the specific elements of the residential standards of this Code shall be guided by *A Field Guide to American Houses* by Virginia and Lee McAlester (1984 and subsequent updates).
- C. General Guidelines – Residential Construction
 - 1. Form and Materials
 - a. New construction shall have clearly delineated foundations, wall structures, cornices, and roof structures.
 - b. Allowable façade materials shall be as specified in Article 307 of the Unified Development Code, unless otherwise approved as Overall Development Standards, Special Use Permit, or some other zoning action.
 - c. Two types of distinctive building materials are required to be used on all new construction, unless all sides of a structure are proposed to be of the same masonry material (i.e. brick, stone or stucco). Acceptable variations include, but are not limited to, wall surface patterns of similar materials, such as pattern masonry in brick or stone; wooden half-timbering; plain or patterned wood shingle or fiber cement shingle; or patterned stick work, such as board and batten or reverse board and batten.
 - d. Building facades may be symmetrical or asymmetrical, but a mix of façade types is encouraged for any new development that includes more than 5 new houses.

- e. A building height of one; one-and-a-half; or two stories is preferred. Full or partial below-grade basements are allowed.
 - f. A structure shall not exceed the overall height for the zoning district as identified in Article 4 of this Code.
2. Roof Types
- a. Preferred roof types include hipped and cross-hipped; or gabled, including side-gabled, front-gabled, cross-gabled, or center-gabled.
 - b. Multi-level eaves are encouraged, as appropriate.
 - c. Other roof types may be approved, though should not constitute more than 10% of the overall project, unless otherwise approved by the Director.
 - d. Functional or non-functional dormers should be included in a minimum of 20% of an overall project, unless otherwise approved by the Director. Dormer types should be compatible with structure massing and roof typology, including gabled, shed, hipped, and flat dormers.
 - e. Acceptable roofing materials include metal standing seam; tile, slate, or stone; wood shake shingles; or architectural shingles.
3. Windows and Doors
- a. Windows are required for principle rooms on all facades of the structure.
 - b. Windows must be functional.
 - c. Functional shutters are encouraged.
 - d. Focal windows on the front façade are encouraged in all units and are required in a minimum of 25% of the units of the overall project, unless otherwise approved by the Director.
 - e. A variety of window pane patterns are encouraged. Window pane types should be consistent on all facades of the structure.
 - f. Front doors should have a distinctive crown and/ or casing to distinguish a principle entry to the structure.
 - g. Single and double front doors are encouraged for use in a project. A minimum of 10% of the project shall utilize double front doors, unless otherwise approved by the Director.
 - h. Variety in doors of the principle entry shall be expressed through a mix of options for paneling and glazing.
 - i. Transoms, side lights or both may be used as an alternative to a distinctive door crown and casing. A minimum of 20% of the overall project should use a transom and/ or sidelight at the principle entry, unless otherwise approved by the Director.
 - j. Window and door surrounds should be complementary in style materials and color.
4. Porches
- a. All structures must have an articulated front entry, primarily in the form of a front porch.
 - b. Unless otherwise approved by the Director, a minimum of 75% of the overall project must include a projecting front porch. Up to 25% may utilize recessed front porches.
 - c. Projecting front porches must include variations on styles, including entry, full height entry, full width (one or two story), wrapped, or inset porches for the overall project.

- d. Entry stairs to porches should generally be located on the front and central to the porch. Side entry stairs area acceptable on certain asymmetrical and cross gabled structures to encourage diversity in style.
 - e. Ground level entry and entry ramps are appropriate when the overall structure incorporates barrier free design principles for accessibility.
 - f. Porch supports, railings and balustrades should be designed in a style and material that complements the window and door surrounds, or other character defining features of a structure.
 - g. Rear decks or porches are encouraged but not required. Enclosure for rear decks or porches through screening or windows as an extension of the indoor living space are encouraged.
5. Chimneys
- a. Chimneys, when used, may be internal or external to the structure.
 - b. External chimneys must be clad in masonry and may be placed on a gable wall or eave wall of the structure.
 - c. Internal chimneys may project from the end of the structure, the slope of the roof, or the ridge of the roof. The portion of the internal chimney visible above structure must be clad in a masonry material.
6. Other Decorative Elements
- a. Variety in architectural expression is encouraged. Unless otherwise approved by the Director, the use of decorative elements on 20% of the units in the overall project is required so as to create a distinct and cohesive identity and sense of place that is unique to the project.
 - b. Examples of decorative elements include
 - 1. Columns or pilasters
 - 2. Arches
 - 3. Pediments
 - 4. Quoins
 - 5. Vergeboard or decorative Fascia Board
 - 6. Ornamental metalwork
 - 7. Decorative tile
 - c. Other materials may be approved as a part of Overall Development Standards, Special Use Permit, or other zoning action.
 - d. One or more decorative elements should be used to distinguish the individual character of the structure.
 - e. A combination of different elements is encouraged in codes to create diversity and interest.
7. Garages
- a. Side or rear access for integral garages is preferred. A variety of side, rear, and front entry garages for a project is required.
 - b. Detached garages are allowed.
 - c. Garage doors must complement the overall style of the structure.
8. Outdoor lighting
- a. Outdoor lighting is required to be located at any door of any façade on the structure.

- b. Light may be projecting or recessed.
- c. Lighting should be of a style that complements the overall character of the structure.

Table A.1 Representative examples - residential

All photos are used representatively to highlight different features identified in the guidelines above. Specifically, each represents a mix of materials; different roof types; articulated front entry styles; and a variety of decorative elements. Individual details are highlighted below. A mix of sizes, styles, materials and architectural details which are appropriate to the time of construction and the context of the setting is encouraged.

	• Front door transom and sidelights • Focal window on front façade • Windows for all principle rooms • Multi-level eaves
	• Front door sidelights • Focal window on front façade • Decorative keystones over windows • Windows for all principle rooms
	• Projecting front entry with decorative columns • Dormers • Focal window on front facade

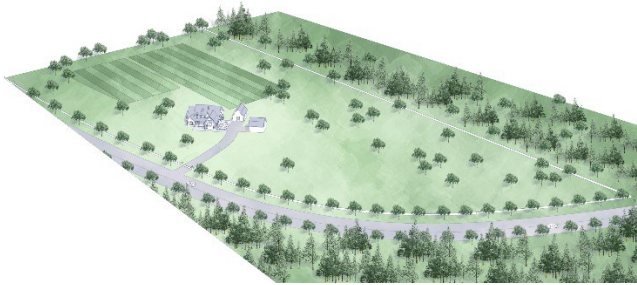
	• Articulated front entry porch with columns and pediment • Transom and sidelights at front entry • Focal window on front façade • Dormer • Decorative keystones over windows
	• Front entry porch • Decorative front facing garage doors • Front door sidelights
	• Projecting front entry with arch • Windows for all principle rooms • Decorative roof brackets
	• Front entry porch • External chimney with masonry

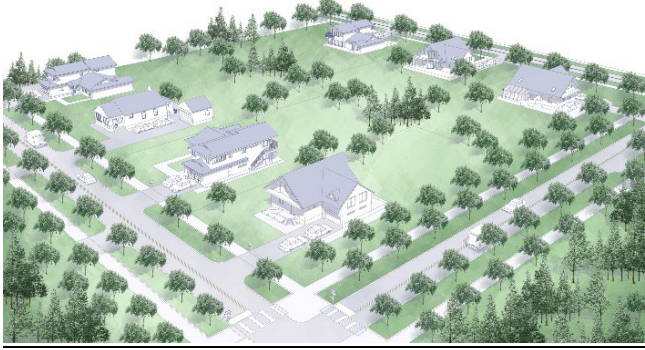
	• Articulated front entry • Shed style dormer
	• Double front entry doors • Decorative columns at front entry • Focal window on front façade • Multi-level eaves
	• Articulated front entry with arches • Sidelights at front door • Focal window on front façade • Diversity in window types • Dormers •
	• Articulated front porch entry and distinctive columns • Front door sidelights • Decorative roof brackets, patterned fiber cement shingle • Focal windows on front façade

	• Front entry porch with railing • Focal window on front façade • Multi-level eaves
	• Articulated front entry distinctive columns • Sidelights at front entry • Shed dormer • Multi-level eaves

*photos from Google streetview

Table A.2 – Residential lot layout illustrations

	• Rural Agricultural (AG) • Residential Agricultural (RA) • Residential Low-Density (Limited)

	• Residential Agricultural (RA) • Residential Low-Density (R-LD) (Limited)
	• Residential Agricultural (RA) (Limited) • Residential Low-Density (R-LD) • Residential Medium-Density (R-MD) (Limited) • Planned Unit Development (PUD) • Planned Residential Development (PRD)
	• Residential Low-Density (R-LD) • Residential Medium-Density (R-MD) • Planned Unit Development (PUD) • Planned Residential Development (PRD)
	• Residential High-Density (R-HD) • Planned Unit Development (PUD) • Planned Residential Development (PRD)

Section 2 – Non-Residential Design Standards

New non-residential development will maintain an appropriate scale and character based on its context. Context describes the predominant land use type of established development adjacent to the project. Particular attention is paid to the building massing; corner/ entrance prominence and articulation; variation of style and façade; exterior finish materials; and landscape, screening and vegetation.

Structures may be built within certain Overlay Districts, or are otherwise subject to architectural and landscape controls as conditions of zoning or other approvals. In such cases, approvals specific to the site shall govern, unless the guidelines outlined in this section are more proscriptive and keeping with the character of the area. In the event of a conflict, the Director shall determine the appropriate guideline.

- A. The purpose and intent of these regulations is to
 1. Ensure a safe, stable and secure building stock to meet the needs of Douglas County residents;
 2. Provide architectural and design diversity of the built environment of the county;
 3. Develop a scale and massing appropriate to the context of the development;
 4. Promote quality design and aesthetics to support long term economic viability;
 5. Ensure predictability and consistency to support orderly community growth;
 6. Encourage design features that will support community wellness, safety, quality materials, and aesthetics.
- B. General Guidelines – Non-Residential Construction
 1. Landscaping requirements.
 - a. The location and detail of all required landscaping shall be depicted on the site landscaping plan (see the Procedures and Permits Article of this Development Code).
 - b. Minimum required landscaped area.
 - c. Each site shall have a minimum landscaped area of 25 percent. The calculated landscaped area may include tree islands within required parking areas.
 2. Frontage landscape strip.
 - a. A minimum 25-foot wide landscape strip adjacent to the street right-of way shall be provided in such a way so as to achieve maximum screening effect, which may include installation at the road elevation or higher, based on the discretion of the Director. Every 100 feet of linear landscape strip must include a minimum of 3 canopy trees, 3 understory trees, 2 evergreen trees, and 18 shrubs. Planting standards may be reduced up to 50% with the provision of a 5 feet tall earthen berm running the entire length of the landscape strip.
 3. Side and rear yard landscaping.
 - a. Unless otherwise required in Article 8 of the Unified Development Code, all required side and rear yards shall be landscaped in accordance with the requirements of this article.
 4. Other landscape areas.

- a. All land surfaces other than those covered by permitted buildings, structures, paving, or other required site elements shall be landscaped with well-maintained grass, flowers, shrubs, or other suitable plant materials.
5. Natural buffers.
- a. Natural buffers shall be supplemented with native plantings when existing vegetation on the site does not provide a minimum of 80% opacity between the proposed use and the adjacent residential district. These plantings shall include a mixture of canopy trees (50% must be evergreen), understory trees, evergreen coniferous trees and shrubs. Canopy trees shall be no less than 3 inches in caliper and no less than 15 feet in height at the time of planting with a mature height of no less than 25 feet.
6. Permitted finish materials for front-facing facades.
- i. Principal materials - exterior finish materials visible from any public street shall be any of the following:
 - i. Brick or brick face;
 - ii. Natural stone including granite, marble, sandstone, field stone or any other natural stone;
 - iii. Manufactured stone including imitation field stone, marble, terrazzo, and any other manufactured architectural finish stone;
 - iv. Clay tile with baked-on enamel finish;
 - v. Architecturally treated decorative concrete block;
 - vi. Cementitious stucco wall siding (troweled, blown, board or plank), including limestone either troweled or blown and stamped, stained or textured in finish, Exterior Insulation and Finish Systems (EIFS).
 - vii. Metal siding is prohibited, but architecturally treated metals are allowable as trim and detail materials, with the approval of the Director
 - viii. Painted masonry, including murals, is allowable based on approval of a special use permit or other zoning action.
7. Permitted finish materials for side and rear facades - exterior finish materials for side and rear facades shall be any of the following:
- i. Brick or brick face;
 - ii. Natural stone including granite, marble, sandstone, field stone or any other natural stone;
 - iii. Manufactured stone including imitation field stone, marble terrazzo, and any other manufactured architectural finish stone;
 - iv. Clay tile with baked-on enamel finish;
 - v. Architecturally treated decorative concrete block;
 - vi. Architecturally treated slabs or block either fluted or with exposed aggregate;
 - vii. Stucco on lathe or a synthetic stucco material (including EIFS) or an acceptable substitute.
 - viii. Fiber cement/cementitious siding (board or plank).
 - i. Metal siding is prohibited, but architecturally treated metals are allowable as trim and detail materials, with the approval of the Director
 - ii. Painted masonry, including murals, is allowable based on approval of a special use permit or other zoning action

Table A.3 Representative examples – commercial

		• Mixed masonry materials • Articulated front entry corner • Ornamental details, including decorative lighting, arches and keystones
		• Mixed façade materials that correspond to a unifying architectural control document approved through zoning
		• Mix of masonry materials on building façade and canopy • Brand signature colors used as accent trim
		• Painted facades/ murals approved through Special Use Permit

	Streetscape zone that includes sidewalk, street trees, and decorative fence
	- Double row of overstory trees - Landscaping hedge
	- Double row of overstory trees - Landscaping hedge - Decorative fence

Table A.4 – Representative examples – industrial

	• Corner articulation and transparency • Façade articulation through mix of materials, colors and textures • Landscape screening adjacent to building facades
	• Corner articulation and transparency • Façade articulation through mix of materials, colors and textures • Landscape screening adjacent to building facades
	• Corner articulation and transparency • Façade articulation through mix of materials, colors and textures • Landscape screening adjacent to building facades
	• Landscaping, lighting and retaining walls

	• Landscaping and retaining walls
	• Landscaping to serve as visual screening as it grows over time