

## **MINUTES**

### **DECATUR COUNTY BOARD OF COMMISSIONERS**

#### **COMMISSIONERS' BOARD ROOM**

**TUESDAY, AUGUST 23, 2022**

PRESENT: CHAIRMAN PETE STEPHENS, VICE CHAIRMAN DENNIS BRINSON, COMMISSIONERS, BOBBY BARBER, JR, RUSTY DAVIS, GEORGE ANDERSON, AND STEVE BROCK, COUNTY ADMINISTRATOR ALAN THOMAS, COUNTY ATTORNEY BRUCE KIRBO, AND COUNTY CLERK MICHELLE WEST.

#### **INVOCATION AND THE PLEDGE OF ALLEGIANCE**

Chairman Stephens called the regular meeting to order at 7:00 p.m. After the call to order, Randy Williams gave the invocation and all those assembled pledged allegiance to the flag of the United States of America.

#### **APPROVAL OF AGENDA**

Commissioner Davis made a motion to approve the agenda, as presented. Commissioner Brock seconded the motion, a vote was taken and unanimously approved.

#### **SPECIAL PRESENTATIONS**

There were no Special Presentations.

#### **PUBLIC PARTICIPATION**

Chairman Stephens recognized Gary Breedlove who wanted to thank the Board for the support of the 80<sup>th</sup> year anniversary of the BT15 airplane that was at the Industrial Park Airport on August 20, 2022.

#### **APPROVAL OF MINUTES**

Vice Chairman Brinson made a motion to approve the minutes of the Commissioners' meeting held August 9, 2022, as presented. Commissioner Brock seconded the motion, a vote was taken and unanimously approved.

#### **OLD BUSINESS**

There was no Old Business.

#### **NEW BUSINESS**

**Consider Adoption of Unified Development Ordinance.** Chairman Stephens recognized Community Development Director, Steve O'Neil who stated the required public hearing has been held and he is recommending the adoption of the Unified Development Ordinance. Vice Chairman Brinson made a motion to adopt the ordinance, a copy of which is attached. Commissioner Davis seconded the motion, a vote was taken and unanimously approved.

**Consider Approval of Tax Levy for 2022.** Chairman Stephens recognized County Administrator Thomas who stated that in their packets was a resolution to set the M & O millage rate for 2022 at 9.16 mills and recommends approval to the Board. Commissioner Davis made a motion to approve the resolution, a copy of which is attached. Vice Chairman Brinson seconded the motion, a vote was taken and unanimously approved.

**Consider Approval of Mower Bid – Airport.** Chairman Stephens recognized County Administrator Thomas who stated bids were requested from several vendors on a batwing mower for the Airport. Three bids were received for the mower with Clark being the lowest bid for a Bush Hog mower for \$24,200 and Bridges Equipment's bid was \$24,442.90 for a Rhino mower. County Administrator Thomas recommends approving the bid from Bridges Equipment for local preference and being the price

difference was less than one percent. Commissioner Brock made a motion to approve the purchase of mower. Commissioner Anderson seconded the motion, a vote was taken and unanimously approved.

**Consider Approval of State Contract Vehicle Order.** Chairman Stephens recognized County Administrator Thomas who stated that DCCI was in need of a van for transport purposes, a pickup truck for detail purposes and E911 has had in their budget for over a year a vehicle purchase. County Administrator Thomas stated he has reviewed the state contract prices and the way the system operates is you have to issue a purchase order for vehicles and they give you a projected delivery date. The projected delivery date for the four vehicles will be January/February 2023 and if not then, as soon as they become available. County Administrator Thomas recommends approval to the Board to purchase the following vehicles, for DCCI, a van for the price of \$46,433.00 and a pickup truck for the price of \$38,602.42. Two Explorers for the price of \$34,702.88 for E911 and Administration. Vice Chairman Brinson made a motion to approve the vehicle purchases. Commissioner Brock seconded the motion, a vote was taken and unanimously approved.

**EXECUTIVE SESSION – LITIGATION**

Commissioner Davis made the motion to enter into executive session to discuss litigation. Commissioner Brock seconded the motion, a vote was taken and unanimously approved.

After the executive session, the Commissioners assembled back in the board room. Commissioner Davis made the motion to enter back into regular session. Vice Chairman Brinson seconded the motion, a vote was taken and unanimously approved.

Chairman Stephens stated there was no action taken in executive session.

**COMMISSIONERS/ADMINISTRATOR’S REMARKS**

The Commissioners thanked everyone for coming.

**ADJOURN**

There being no further business, the meeting, on motion by Vice Chairman Brinson, was duly adjourned. Commissioner Brock seconded the motion, a vote was taken and unanimously approved.

Approved: Pete Stephens  
Chairman, Pete Stephens

Attest: Michelle B. West  
County Clerk, Michelle B. West



AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF DECATUR COUNTY SITTING FOR COUNTY PURPOSES FOR THE PURPOSE OF **ADOPTING A UNIFIED DEVELOPMENT ORDINANCE; PROVIDING THE STANDARDS FOR THE EXERCISE OF GOVERNMENTAL AUTHORITY; PROVIDING THE POLICIES AND PROCEDURES FOR CALLING AND CONDUCTING PUBLIC HEARINGS; PROVIDING FOR THE REGULATION OF SIGNS; AND FOR OTHER PURPOSES** AT THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF DECATUR COUNTY HELD ON AUGUST 23, 2022.

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**WHEREAS**, Decatur County Board of Commissioners desires to regulate growth and development in accordance with the police power and the best interests of the citizens, and to preserve the public health, safety and welfare; and

**WHEREAS**, it is the intent of this amendment to serve the public health, safety and welfare; and

**WHEREAS**, having conducted duly noticed and published public hearings before the Board of Commissioners on August 9, 2022;

**NOW THEREFORE BE IT ORDAINED**, AND IT HEREBY IS ORDAINED, by virtue of the authority vested in the Board of Commissioners of Decatur County by law as follows:

#### Section One

The following provisions of the Decatur County Code are hereby repealed and replaced by the Unified Development Ordinance attached hereto as **Exhibit A**, which is hereby adopted.

- A. Decatur County Land Development and Construction Regulations.
- B. Wireless Telecommunications Facilities Siting Ordinance Amendment for the Decatur County, Georgia.
- C. Decatur County Solar Energy Systems Regulations.
- D. Minimum Health and Safety Standards for Pre-Owned Manufactured Homes.
- E. Decatur Sign Regulations.
- F. Recreational Vehicle Park Ordinance.
- G. Decatur County Flood Damage Prevention Ordinance.

## Section Two

A. The Unified Development Ordinance attached as **Exhibit A** governs the placement of signs within the County.

B. In adopting the sign regulations contained within Unified Development Ordinance attached hereto as **Exhibit A**, it is the intent and purpose of the Board of Commissioners of Decatur County, Georgia, to:

- a. balance the right of individuals to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs; and
- b. further the objectives of the County's comprehensive land use planning; and
- c. protect the public health, safety and welfare; and
- d. reduce traffic and pedestrian hazards; and
- e. maintain the historical and cultural heritage and image of the County; and
- f. protect property values by minimizing the possible adverse effects and visual blight caused by signs; and
- g. avoid the harmful aspects of the unrestricted proliferation of signs; and
- h. promote economic development and tourism; and
- i. protect private property values; and
- j. ensure the fair and consistent enforcement of sign regulations.

C. Having considered the following studies, which the Board of Commissioners find to be relevant, useful and applicable to Decatur County, Georgia, the Board of Commissioners finds that the size, location and quantity of sign structures within the County must be regulated in order to achieve the above-stated intents and purposes: University of Georgia Land Use Clinic (2003, June 26). Sign Control on Rural Corridors: Model Provisions and Guidance; Wisconsin Department of Transportation (1994, December). Milwaukee County Stadium Variable Message Sign Study: Impacts of an Advertising Variable Message Sign on Freeway Traffic; Scenic America (2007). Billboards in the Digital Age: Unsafe (and Unsightly) at Any Speed. *Scenic America Issue Alert*; Nasar, Jack L. and Hong, Xiaodong (1999, September). Visual Preferences in Urban Signscapes. *Journal of Environment and Behavior*, 31(5), 671-691; Office of Safety Research and Development, Federal Highway Administration (2001, September 11). Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction. *U.S. Department of Transportation*; New York State Department of State, Division of Local Government Services (2006, January). Municipal Control of Signs. *James A. Coon Local Government Technical Series*; Weinstein, Alan C. *A Study of Local Regulation of Outdoor Advertising in 268 U.S. Jurisdictions*. Outdoor Advertising Association of America, Inc.; City Club of Portland (1996, September 6). Billboard Regulation in Portland. *City Club of Portland Bulletin*, 78(13), 1-40; Smily, Alison and Persaud, Bhagwant, et al. (2005). Traffic Safety Evaluations of Video Advertising Signs. *Transportation Research Record: Journal of the Transportation Research Board*, No. 1937, 105-112.

D. In adopting these sign regulations, the Board of Commissioners especially recognize the vast number of court decisions, coming from Georgia courts, the federal courts, and courts throughout the United States, which recognize that the regulation of the size, location and quantity of sign structures is a valid and lawful means of achieving the above-stated intents and purposes, and that such intents and purposes are valid and lawful governmental interests, which include the following: Granite State Outdoor Advertising, Inc. v. Cobb County, Ga., 193 Fed.Appx. 900 (C.A.11<sup>th</sup> 2006)(finding that the stated goals within a sign ordinance of protecting against traffic hazards and the adverse impact on the county's aesthetic qualities are substantial government interests); Gregory v. Clive, 2007 WL 2914515 (Ga. S.Ct. 2007)(recognizing as within a local government's police power to enact legislation governing billboards and signs, as such legislation clearly addresses the public health, safety, or general welfare of the community); H & H Operations, Inc. v. City of Peachtree City, Ga., 248 Ga. 500 (1981)(holding that, under its police power, a municipality can enact and enforce reasonable regulations governing the erection and maintenance of signs within its jurisdiction); Harnish v. Manatee County, Florida, 783 F.2d 1535 (C.A. 11<sup>th</sup> 1986)(finding that aesthetics is a substantial governmental goal which is entitled to and should be accorded weighty respect, and that the governmental entity charged with the responsibility of protecting the environment must be given discretion in determining how much protection is necessary and the best method of achieving that protection); Lamar Advertising Company v. City of Douglasville, Ga., 254 F.Supp.2d 1321 (N.D.Ga. 2003)(finding that where a sign ordinance asserts the goals of public safety, traffic safety, health, welfare and aesthetics, a municipality has shown an important or substantial governmental interest unrelated to the suppression of free speech); Metromedia, Inc. v. City of San Diego, 453 U.S. 490 (1981)(holding that the goals of traffic safety and aesthetics advanced by a municipality as justification for regulating signs is a substantial governmental interest); St. Louis Poster Advertising Co. v. City of St. Louis, 249 U.S. 269 (1919)(finding that billboards may be prohibited in the residential districts of a city in the interest of the safety, morality, health and decency of the community); Members of the City Council of the City of Los Angeles v. Taxpayers for Vincent, 466 U.S. 789 (1984)(finding that a government entity can regulate signs and billboards when necessary to advance a significant and legitimate state interest, such as the protection of the aesthetics and quality of life within its jurisdiction); City of Doraville v. Turner Communications, Corp., 236 Ga. 385 (1976)(finding that under its police power authority, a municipality can regulate the location and maintenance of outdoor advertising signs within their territorial jurisdiction); Spratlin Outdoor Media, Inc. v. City of Douglasville, 2006 WL 826077 (N.D.Ga. 2006) (upholding sign ordinance where the ordinance's height and setback restrictions were rationally related to its stated goals of promoting the health, safety, morality and general welfare of the community, promoting the orderly and beneficial development of the city, promoting adequate access to natural light and air, improving the aesthetic appearance of the city, and encouraging the most appropriate use of land and buildings in accordance with the city's comprehensive plan).

E. The County Clerk is directed to make each of the studies and judicial decisions cited in paragraphs C and D above a part of the record of the adoption of this ordinance.

### Section Three

The Whigham Dairy Road Corridor Protection District Map, as defined in Section 4.05.05 of the Unified Development Ordinance, is adopted and is attached hereto as **Exhibit B**.

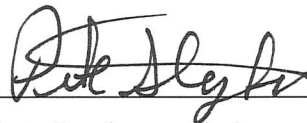
Section Four

A. Severability Clause. It is the express intention of the Board of Commissioners that each independent provision of this Unified Development Ordinance attached hereto as **Exhibit A** should be adopted, and the Board of Commissioners would have adopted each such independent provision even if the others had not been adopted. Therefore, in the event that a court of competent jurisdiction finds any provision of the ordinance to be unlawful, invalid or unenforceable, it is the intent of the Board of Commissioners that the offending provision be severed, and all lawful provisions remain in force.

B. General Repealer. Any ordinance not expressly addressed by this ordinance that is inconsistent with the provisions of the Unified Development Ordinance attached hereto as **Exhibit A** is expressly repealed.

C. Effective date. The public welfare demanding, this ordinance shall be effective immediately after its adoption.

**SO ADOPTED** this 23<sup>rd</sup> day of August, 2022.



Pete Stephens, Chairman of the Board

Attest:



Michelle B. West, County Clerk





# **Decatur County**

## **Unified Development Ordinance**

**Adopted August 23, 2022**

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF DECATUR COUNTY SITTING FOR COUNTY PURPOSES FOR THE PURPOSE OF **ADOPTING A UNIFIED DEVELOPMENT ORDINANCE; PROVIDING THE STANDARDS FOR THE EXERCISE OF GOVERNMENTAL AUTHORITY; PROVIDING THE POLICIES AND PROCEDURES FOR CALLING AND CONDUCTING PUBLIC HEARINGS; PROVIDING FOR THE REGULATION OF SIGNS; AND FOR OTHER PURPOSES** AT THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF DECATUR COUNTY HELD ON AUGUST 23, 2022.

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**WHEREAS**, it is the intent of this amendment to serve the public health, safety and welfare; and

**WHEREAS**, having conducted duly noticed and published public hearings before the Board of Commissioners on August 9, 2022;

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- c. protect the public health, safety and welfare; and
- d. reduce traffic and pedestrian hazards; and
- e. maintain the historical and cultural heritage and image of the County; and
- f. protect property values by minimizing the possible adverse effects and visual blight caused by signs; and
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E. The County Clerk is directed to make each of the studies and judicial decisions cited in paragraphs C and D above a part of the record of the adoption of this ordinance.

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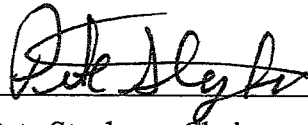
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B. General Repealer. Any ordinance not expressly addressed by this ordinance that is inconsistent with the provisions of the Unified Development Ordinance attached hereto as **Exhibit A** is expressly repealed.

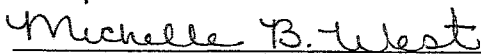
C. Effective date. The public welfare demanding, this ordinance shall be effective immediately after its adoption.

**SO ADOPTED** this 23<sup>rd</sup> day of August, 2022.



Pete Stephens, Chairman of the Board

Attest:



Michelle B. West, County Clerk



# CHAPTER 1

## GENERAL PROVISIONS

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**1.01.00 TITLE**

This code shall be known as and entitled the "Decatur County Unified Development Ordinance" and may be referred to as the "UDO."

**1.02.00 AUTHORITY**

This UDO is enacted pursuant to the requirements and authority of Article IX, Section 2, Paragraph 4 of the Georgia Constitution and the amendments thereto.

**1.03.00 LEGAL PROVISIONS**

- A. Effective date. This UDO shall be effective immediately upon its adoption by the board of commissioners of Decatur County, Georgia.
- B. Repealer. This UDO is intended to consolidate, repeal and replace the existing provisions of the Decatur County code of ordinances pertaining to land use and development. Upon adoption of this ordinance, the pre-existing provisions of the Decatur County Code provided for in this UDO, or in conflict with this UDO, shall be repealed, except as provided herein.

To the extent that any legal process is currently ongoing under a pre-existing section of the Decatur County Code and arising out of facts occurring prior to the adoption of this UDO, such process shall continue, and the pre-existing code sections shall continue to be enforceable for the purposes of such process.

In the event that any portion of this UDO, or the UDO in its entirety, is found to be unconstitutional or invalid, it is the intent of the board of commissioners that this repealer not be effective as to the unconstitutional or invalid code or provisions such that the pre-existing ordinances replaced by the unconstitutional or invalid code or provision shall be determined to continue in force and effect.

- C. Severability. Should any section or provision of this UDO be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the chapter as a whole or any part thereof other than the part so declared to be unconstitutional or invalid. It is hereby declared to be the intent of the board of commissioners that any provision of this UDO that is not itself unconstitutional or invalid would have been adopted and enforced independently of any provisions found to be unconstitutional or invalid.
- D. Conflict of law. Whenever the provisions of this UDO conflict with any law or regulation of the state or federal government, the more restrictive provision shall control, except where the law or regulation of the state or federal government expressly and lawfully provides that it preempts local government regulation.

## 1.04.00 APPLICABILITY

### 1.04.01 Generally

- A. This UDO shall apply only to the unincorporated areas of Decatur County, Georgia, as now or hereafter established.
- B. No building, structure, or land shall be used or occupied and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, enlarged, or structurally altered unless in conformity with the regulations of this UDO.
- C. A change of use shall conform to the standards, criteria, requirements, and procedures of this UDO.

## 1.05.00 PURPOSE AND INTENT

- A. These regulations are enacted to promote the proper location, height, bulk, number of stories, and size of buildings and other structures, sizes of yards, courts, and the use of other open spaces, density and distribution of population, and the use of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, sanitation, protection against floods, and public activities.
- B. The purpose of these regulations is to:
  - 1. Lessen congestion in the streets;
  - 2. Secure safety from fire, panic, and other dangers;
  - 3. Promote health and the general welfare;
  - 4. Provide adequate light and air;
  - 5. Prevent the overcrowding of land;
  - 6. Avoid undue concentration of population;
  - 7. Prevent urban sprawl;
  - 8. Assure the provision of required streets, utilities, and other facilities and services;
  - 9. Assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian;

10. Assure the provision of space for recreational, educational, and other public purposes;
11. Promote desirable living conditions and the sustained stability of neighborhoods;
12. Protect against blight and depreciation;
13. Secure economy in governmental expenditures;
14. Conserve the value of buildings;
15. Promote economically sustainable development; and
16. Assure that land is developed in conformity with the Decatur County Comprehensive Plan.

#### **1.06.00 RELATIONSHIP TO COMPREHENSIVE PLAN**

The Decatur County Comprehensive Plan (Plan) is the official development policy and implementation guide for the County to coordinate and direct physical and economic development, related public investment, and to provide reasonable regulations for the development of private property in the interest of public health, safety, and welfare. This UDO is designed to implement all provisions of that Plan for the development and use of land. No decision shall be invalid simply because it does not strictly follow the Comprehensive Plan.

#### **1.07.00 PLANNING DIRECTOR**

The Decatur County Planning Director is assigned to administer, interpret, and implement the standards, criteria, and procedures of this UDO. The Planning Director may delegate such responsibilities to County staff. Throughout this UDO, the term "Planning Director" is used to indicate the responsibility for specified actions, except where specified actions are reserved or specifically delegated by law to another official. In all instances, "Planning Director" means the "Planning Director or designee."

#### **1.08.00 DOCUMENTS ADOPTED BY REFERENCE**

##### **1.08.01 Building and construction codes**

The latest editions of the mandatory Georgia State Minimum Standard Codes, as may be adopted and amended by the Georgia Department of Community Affairs from time to time, are hereby incorporated by reference.

## 1.09.00 RULES OF INTERPRETATION

### 1.09.01 Generally

- A. Specific provisions of this UDO shall be followed in lieu of general provisions that may be in conflict with the specific provisions.
- B. In the interpretation and application of this UDO, all standards, provisions, and requirements shall be liberally construed in favor of the objectives and purposes of the County and shall not be construed to limit nor repeal any other powers granted under state statutes.
- C. Where provisions of this UDO conflict with other regulations, the more stringent restrictions shall be applied.

### 1.09.02 Responsibility for interpretations

- A. In the event that any question arises concerning the application of regulations, standards, definitions, development criteria, or any other provision of this UDO, the Planning Director shall be responsible for interpretation. In the interpretation of this UDO, the Planning Director shall be guided by the Decatur County Comprehensive Plan and applicable state law.
- B. Responsibility for interpretation by the Planning Director as set forth in this section shall be limited to standards, regulations, and requirements of this UDO and shall not be construed to include interpretation of any technical codes adopted by reference in this UDO. Interpretation shall not be construed to override the responsibilities assigned by the Decatur County Board of Commissioners to any commission, board, or official named in other sections or chapters of this UDO.

### 1.09.03 Rules of construction

- A. Words used in the present tense include the future tense.
- B. Words used in the singular include the plural, and words used in the plural include the singular.
- C. The masculine gender includes the feminine and the neuter.
- D. The word "person" includes a firm, partnership, company, corporation, or association as well as individuals.
- E. The word "shall" is always mandatory; the word "may" is permissive.
- F. The term "written" or "in writing" shall include any representation of words, letters, or figures, whether by printing or otherwise.

- G. The term "day" means a calendar day.
- H. The term "month" means a calendar month.
- I. The word "week" shall mean seven (7) days.
- J. The word "year" shall mean a calendar year.

#### 1.09.04 Computation of time

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

#### 1.10.00 DEFINITIONS

When determining the meaning of a word or phrase, the following rules shall apply in the order of priority in which they are listed:

- A. the following words and phrases have the meanings as defined below;
- B. terms that relate to the local implementation of state or federal laws and regulations, when not defined by this ordinance, shall have the meaning ascribed to them by the law, regulation or the agency responsible for interpreting and applying the law or regulation;
- C. terms not defined by this ordinance or applicable law or regulation shall have the definition provided by Muskowitz and Lindbloom, *The Latest Illustrated Book of Development Definitions*;
- D. terms defined in particular chapters of this UDO shall have the defined meaning whenever used in the context of matter regulated by such chapter;
- E. all other terms shall have their commonly understood meaning.

***Access easement:*** An easement devoted to vehicular access which affords a principal means of access to abutting property or properties, but which is not necessarily open to the general public and which is not necessarily improved to standards of the County.

***Accessory structure/building:*** A structure used for a purpose that is customarily incidental and subordinate to the principal use or structure, and located on the same lot as such a principal use or structure. Examples would include garages, carports, storage sheds, pole barns, hay sheds and the like.

***Adult entertainment establishment:*** In addition to any definition of adult business or adult entertainment establishment as it now or hereafter appears in the Decatur County Code, adult entertainment establishment in the context of this ordinance shall include, but not be limited to, any "adult bookstore," "adult movie house," "explicit media" outlet, or any place involving "sexual conduct" or "sexually explicit nudity" for commercial purposes, as those terms are defined in O.C.G.A. § 36-60-3, or any business or activity regulated under the Decatur County Amusements and Entertainments ordinance.

***Airstrip, private:*** An area designated for the takeoff and landing of private, noncommercial aircraft, with no terminal facilities and no scheduled takeoffs and landings.

***Alteration:*** Any change in the supporting members of a building, any modification or change in construction, any addition which increases the area or height, or any change in use from one use to another or movement of a building from one location to another.

***Automobile service station:*** A land use where gasoline, oils, greases, batteries, tires, and general automobile accessories may be provided, but where no part of the premises is used for the storage or dismantling of wrecked or junked vehicles.

***Bar, tavern, or nightclub:*** Any place devoted primarily to the retailing and on-premise drinking of malt, wine, or other alcoholic beverages, or any place where any sign visible from the public right-of-way is exhibited or displayed indicating that alcoholic beverages are obtainable for consumption on the premises. The incidental service of food for consumption on the premise shall be allowed. Live entertainment shall be allowed.

***Batching plant:*** A plant for the manufacture or mixing of asphalt, concrete, cement, or concrete or cement products, including any apparatus incidental to such manufacturing and mixing.

***Boardinghouse or roominghouse:*** A building other than an apartment building where, for compensation, both lodging and meals are provided for not more than ten (10) persons.

***Buffer:*** That portion of a lot or parcel established for open space purposes and intended to separate properties with different and possibly incompatible types of uses. It can be a natural (undisturbed) or enhanced vegetated area with only limited

minor land disturbances, such as trails and picnic areas. A buffer must provide reasonable visual screening of the property.

***Building height:*** The vertical distance of a building, measured from the average elevation of the finished grade at the front of the building to the highest point of the building.

***Building line:*** A line parallel to and located a specified minimum distance from the front, side, or rear property lines beyond which no foundation wall or part of the structure of any building projects with the exception of roof overhang, steps, and the subsurface projection of footings.

***Building Official:*** The Planning Director or person designated to review applications, issue permits, and perform other duties authorized by this UDO.

***Building permit:*** The document issued by Decatur County that authorizes the construction, repair, alteration, addition, and/or permanent placement of a building, dwelling or other structure on a site.

***Building, principal:*** The building on a lot in which the principal use of the lot is conducted.

***Bulk storage:*** The storage of chemicals, petroleum products, or similar materials in above-ground or below-ground storage containers designed for wholesale distribution or mass consumption. This includes fuel oil distributors with storage of products.

***Canopy tree:*** Any tree having reached a relatively tall height compared to surrounding trees and vegetation and providing shade from its foliage mass; also individual or tree groups forming an overhead cover.

***Cemetery:*** Land either already reserved for burial plots for the deceased or which may, in the future, be so reserved; it may be maintained either by a family, a church or other place of worship, or a private corporation.

***Church:*** A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services. Associated accessory uses include, but are not limited to, residences for pastors, ministers, priests, or rabbis; schools; meeting halls; indoor recreational facilities; day cares; and kitchens. This term includes synagogues, temples, and other places of worship.

***Clinic:*** An establishment where medical or dental patients are admitted for examination and treatment but where there is no overnight lodging.

***Club or lodge:*** An incorporated or unincorporated association for civic, social, cultural, religious, fraternal, literary, political, recreation, or like activities, operated for the benefit of its members and not open to the general public.

***Compatibility:*** The characteristics of different land uses or activities that permit them to be located near each other in harmony and without conflict.

***Composting facility:*** A facility where compost or organic matter that is derived primarily from off site is processed by composting and/or processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

***Development:*** The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; or any use or extension of the use of land.

***Dwelling:*** A building or portion thereof designed, arranged, or used principally for residential occupancy, not including motels, hotels, boardinghouses, or roominghouses.

***Dwelling, apartment:*** One or more dwelling units, under a single ownership, located on one lot of land, occupied by renters.

***Dwelling, cluster:*** One of a series of attached and/or detached dwelling units developed under a single ownership.

***Dwelling, condominium:*** An individually-owned dwelling unit in an attached, detached, or multi-family structure, combined with joint ownership of common areas of the buildings and grounds.

***Dwelling, garden apartment:*** A multi-family dwelling one or two stories in height containing from one to four dwelling units and where the area immediately surrounding the dwelling is landscaped and may contain recreation facilities for the private use of dwelling occupants.

***Dwelling, multiple-family:*** A building containing three or more dwelling units, including units that are located one over another.

***Dwelling, patio:*** A single-family dwelling in which all or a portion of the area required for side and rear setbacks may be consolidated into one or more garden court spaces within the walls of the dwelling unit.

***Dwelling, single-family attached:*** A building containing two or more single-family dwelling units joined at one or more points by one or more party walls or other

common facilities (not including the walls of an enclosed court yard or similar area) and with property lines separating each dwelling unit.

***Dwelling, single-family detached:*** A single residential detached building designed for or containing one dwelling unit.

***Dwelling, townhouse:*** One of a series of three or more attached dwelling units on separate lots which are separated from each other by firewalls extending at least from the lowest floor level to the roof.

***Dwelling, two-family:*** A detached dwelling designed, constructed, altered, or used for two adjoining dwelling units, with each dwelling unit having a party wall connecting it with the other dwelling unit, located on one lot; also known as a duplex.

***Dwelling unit:*** One or more rooms designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

***Eating/drinking establishment:*** A building and/or structure upon which food and alcoholic beverages are cooked, prepared and offered for sale and includes establishments known as bars, grilles, cafes, taverns, nightclubs, drive-ins and any fast food locations.

***Existing land use:*** A land use which, prior to the effective date of this ordinance, or an amendment thereto, is either:

- A. Completed;
- B. Ongoing, as in the case of agricultural activity;
- C. Lawfully under construction;
- D. Fully approved by the governing authority where such approval has not expired or been abandoned; or
- E. The subject of a completed application, with all necessary supporting documentation, which has been submitted for approval to the governing authority or the appropriate government official, for any construction-related permit.

***Family:*** One or more persons occupying a dwelling unit and living as a single housekeeping unit and having no more than two adult members who are not related within the second degree of kinship by blood, adoption, marriage or civil union to the remaining members. This definition expressly excludes dormitories, sororities, fraternities, convents and communes.

***Farm:*** Any tract or parcel of land containing three or more acres which is devoted to the raising of agricultural products including, but not limited to, soil crops, livestock, fish, fowl, and commercial timber regardless of the quantity or value of production.

***Fence:*** An enclosure or barrier composed of wood, masonry, stone, wire, iron, or other approved materials or combination of materials used as a boundary, means of protection, privacy screening, or confinement, including brick or concrete walls, but not including hedges, shrubs, trees, or other natural growth.

***Fence, chain-link:*** An open mesh fence made entirely of wire woven in squares of approximately 1.5 inches with vertical supports, usually spaced at an interval of six (6) feet, usually at a height of three (3) or more feet.

***Fence, solid:*** A fence, including entrance and exit gates where access openings appear, through which no visual images can be seen.

***Fill:*** A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

***Final plat:*** An as-built drawing or map of a subdivision, meeting all of the requirements of this ordinance, and complying with the Georgia statutes pertaining to the recording of plats.

***Finished grade:*** The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

***Flag lot:*** A lot, the main portion of which is located away from the public street, with a connecting strip of land at least 60 feet wide providing frontage on the public street.

***Floor area:*** The area of a dwelling exclusive of attic, basement, garage, carport, patios, and open porches measured from the exterior face of the exterior walls of a dwelling. Also, the gross leasable floor area for any business or industry based on interior dimensions.

***Food processing plant:*** A manufacturing establishment producing or processing foods for human or animal consumption and certain related products or by-products, including, but not limited to, the following products: sugar, dairy, fruit and vegetable (including canning, preserving and processing), grain mill products and by-products, meat, poultry and seafood (including by-product processing, but not including the slaughtering of animals), and miscellaneous food preparation from raw products.

***Frontage or road frontage:*** The width in linear feet of a lot where its front lot line abuts the right-of-way of any road from which access may be directly gained.

***Garage or carport, private:*** A covered space for the storage of one or more motor vehicle(s) belonging to the occupants of the principal use on the lot. No business

occupation or service may be conducted for profit within the private garage except a home occupation under conditions specified in this section.

***Garage, public:*** Any garage, other than a private garage, which is used for storage, minor repair, rental, servicing, washing, adjusting, or equipping of automobiles or other motor vehicles, but not including the storage of wrecked or junked vehicles.

***Garden:*** Any tract or parcel of land containing no more than three acres devoted to the raising of soil crops. This includes only soil crops. Other agricultural activities included under the term "farm" are specifically excluded.

***Gas tank sales:*** The retail sale of bulk storage tanks for flammable and combustible liquids, compressed gases or liquefied petroleum (LP) gas.

***Generalized Wetlands Map:*** The current U.S. Fish and Wildlife Service National Wetlands Inventory Map for Decatur County, Georgia.

***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.

***Greenspace:*** Permanently protected land and water, including agricultural and forestry land, which is in its undeveloped, natural state or that has been developed only to the extent consistent with, or is restored to be consistent with, one or more of the following goals:

- A. Water quality protection for rivers, streams, and lakes;
- B. Flood protection;
- C. Wetlands protection;
- D. Reduction of erosion through protection of steep slopes, areas with erodible soils, and stream banks;
- E. Protection of riparian buffers and other areas that serve as natural habitat and corridors for native plant and animal species;
- F. Scenic protection;
- G. Protection of archaeological and historic resources;
- H. Provision of recreation in the form of boating, hiking, camping, fishing, hunting, running, jogging, biking, walking, and similar outdoor activities;
- I. Connection of existing or planned areas contributing to the goals specified in this definition and/or the County's comprehensive plan.

***Hazardous waste/hazardous material:*** Any solid waste which has been defined as "hazardous waste" in regulations promulgated by the administrator of the United States Environmental Protection Agency pursuant to the Federal Act which are in force and effect on February 1, 1991, codified as 40 CFR Section 261.3 as hereafter amended and any designated hazardous waste. Also any substance defined as "hazardous waste" by the Georgia Department of Natural Resources pursuant to O.C.G.A. 12-8-60 et seq. as hereafter amended.

***Historic structure:*** Any structure that is:

- A. 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;
- B. 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;
- C. 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
- D. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
  - 1. By an approved state program as determined by the Secretary of the Interior; or
  - 2. Directly by the Secretary of the Interior in states without approved programs.

***Hotel:*** A facility offering transient lodging accommodations to the general public and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities.

***Immediate family member:*** Grandfather, grandmother, father, mother, son, daughter, grandson, granddaughter, brother, sister.

***Impervious surface:*** Any paved, hardened or structural surface which does not allow for complete on-site infiltration of precipitation. Such surfaces include, but are not limited to, buildings, driveways, streets, parking lots, swimming pools, dams, tennis courts, and any other structures that meet the above definitions.

***Incinerator:*** A facility with equipment that uses a thermal combustion process to destroy or alter the character or composition of medical waste, sludge, soil, or municipal solid waste, not including animal or human remains.

***Industrialized building:*** Any structure or component thereof which is, wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof; and which bears the insignia of approval issued by the commissioner of the Georgia Department of Community Affairs.

***Industrialized home:*** A home manufactured in accordance with the Georgia Industrialized Building Act 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.

***Intermediate care home:*** A facility which admits residents on medical referral. It maintains the services and facilities for institutional care and has a satisfactory agreement with a physician and dentist who will provide continuing supervision including emergencies. It otherwise complies with the rules and regulations contained in chapter 290-5-9: Intermediate Care Homes (Rules of the Georgia Department of Human Resources).

***Junked vehicle:*** A vehicle in inoperative or junk condition shall include, but shall not be limited to, any automobile, vehicle, trailer of any kind or type, or contrivance, or a part thereof, the condition of which is one or more of the following: 1) wrecked; 2) dismantled; 3) partially dismantled; 4) inoperative; 5) abandoned; 6) discarded; 7) scrapped; or 8) does not have a valid license plate attached thereto. No automobile, vehicle or trailer of any kind or type, which shall be inoperative or in a junk condition, or abandoned, shall be parked or stand on any property unless:

- A. It shall be in an enclosed building;
- B. It shall be on the premises of a business enterprise operated in a lawful manner, when necessary to the operation of such business enterprise; or,
- C. It shall be on property lawfully occupied and used for repair, reconditioning or remodeling of vehicles in conformance with the ordinances of Decatur County.

***Jurisdictional wetland:*** An area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.

***Land-disturbing activity:*** Any activity which 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 agricultural practices as described in section 3.06.03, paragraph E.

***Landfill, construction and demolition:*** A disposal facility accepting 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, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material and other inert wastes which have a low potential for groundwater contamination.

***Large water supply watershed:*** A watershed containing 100 square miles or more of land within the drainage basin upstream of a governmentally-owned public drinking water supply intake.

***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.

***Lot, corner:*** A lot located at the intersection of two or more streets.

***Lot, double frontage:*** A lot, other than a corner lot, which has frontage on more than one street.

***Lot of record:*** A lot which is part of a subdivision, the plat of which has been recorded in the office of the clerk of the superior court of Decatur County, Georgia; or a parcel of land described by metes and bounds, the plat or description of which has been recorded in said office. If a portion of a parcel has been conveyed at the time of the adoption of this ordinance, the remaining portion of the lot or parcel will be considered a lot of record.

***Lot remnant:*** Any portion or portions of a lot not suitable for building upon because of size or topography and remaining after the transfer of other portions of the lot to adjoining lots.

***Lot width:*** The distance between side lot lines measured at the setback.

***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 also includes park trailers, travel

trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. Manufactured homes are not permitted to be used as storage buildings.

***Manufactured home space:*** An area of land within a planned manufactured home community designed to accommodate one manufactured home.

***Manufacturing, heavy:*** Manufacturing activity which tends to use raw materials and basic components to produce items which are generally intended for use in further industrial processes, such as machinery and construction equipment, as opposed to use by consumers.

***Manufacturing, light:*** Manufacturing activity that uses moderate amounts of partially processed materials to produce items generally intended for purchase by the consumer or retailer, such as textiles or electronics, as opposed to users engaged in further industrial processes.

***Materials recovery facility:*** A solid waste handling facility that provides for the extraction from solid waste of recoverable material, materials suitable for use as a fuel or soil amendment, or any combination of such materials. (O.C.G.A. § 12-8-22)

***Motor vehicle impound lot:*** An area used to store disabled or impounded motor vehicles until such time as their disposition (either by junk, salvage, repair, etc.) has been determined by an insurance company, the owner of the vehicle, his or her legal representative, or a repossessing creditor. Vehicles shall only be stored on site temporarily, for a period of no more than 60 days.

***New development:*** Any development approved or constructed subsequent to the adoption of this ordinance or amendments thereto.

***Office/finance facilities:*** A structure principally devoted to providing office space for a general range of consumer services or devoted to primarily provide space for consumer financial services.

***Outfall:*** The location where stormwater in a discernible, 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.

***Pawn shop:*** A type of used merchandise store in which merchandise is offered as collateral for obtaining loans and wherein such merchandise is offered for sale in recompense for default of loan repayment.

***Person:*** 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 the state of Georgia, any interstate body or any other legal entity.

***Personal services establishment.*** Establishments providing non-medically related services, including beauty and barber shops, clothing rental, dry cleaning pick-up stores, laundromats (self-service laundries), shoe repair shops, and tanning salons. These uses may also include accessory retail sales of products related to the services provided.

***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.

***Planned development:*** A coordinated large scale or comprehensive group development designed and constructed according to a development plan which has been approved by the board of commissioners.

***Planned manufactured home community:*** A lot used or intended for use as a residential area occupied by manufactured homes and conforming to an approved development plan with appropriate and adequate community services, recreation facilities, utilities, streets, and sidewalks provided by the developer where the resident owns or rents the manufactured home and rents the manufactured home space.

***Planned residential development:*** A form of development characterized by a unified site design for a number of housing units, clustered buildings, and common open space.

***Power plant, private:*** A facility, distinguished from a public use, that converts one or more energy sources, including, but not limited to, water power, fossil fuels, nuclear power, or solar power, into electrical energy or steam, the primary function of which is the provision of electricity to the use on the site the facility is located or off site.

***Preliminary plat:*** A tentative drawing or map of a proposed subdivision meeting requirements of this ordinance and showing the proposed layout in sufficient detail, although not completely computed, to indicate unquestionably its workability.

***Project:*** The entire proposed development project regardless of the size of the area of land to be disturbed.

***Recreation, active:*** Equipment and areas prepared for active use for recreational and leisure purposes, including, but not limited to, playground equipment (swing sets and climbing structures); courts for basketball, volleyball, and tennis; leveled, striped fields for football, soccer, or multiple purposes; community picnic pavilions (including covered facilities with grills and/or fire rings); community buildings for recreational events; and golf courses, including clubhouses, developed areas and accessory uses. Trails and bikeways through open spaces shall not be considered active recreational facilities.

***Recreation, passive:*** Recreational activities and places that generally do not require a developed site. This generally includes such activities as hiking (e.g., trails and bikeways through open spaces) and horseback riding and shall not be considered active recreational facilities, provided that such activities occur in a manner that is consistent with existing natural conditions.

***Recreational vehicle:*** A vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

***Recycling center:*** A state-permitted facility engaged in the collection, storage, processing, resale or reuse of materials which would otherwise become solid waste.

***Reservoir boundary:*** The edge of a reservoir, defined by its normal pool level (elevation above mean sea level).

***Residential:*** A structure designed and used solely for residential occupancy with common facilities such as dining room, bath room, family room, kitchen and bedrooms.

***Right-of-way:*** A strip of land designated, reserved, dedicated, or purchased for the purpose of pedestrian access, vehicular access, or utility line installation.

***Right-of-way, private:*** That area, distinguished from an access easement or public right-of-way, dedicated to property owners of the subdivision involved or to other individuals, and which affords permanent access to abutting property or properties. A private right-of-way is distinguishable from a public road right-of-way in that maintenance and ownership of the road and accessory improvements is by private individuals or an association rather than the Decatur County Board of Commissioners or another government.

***Right-of-way, public:*** That area, distinguished from an easement or private road right-of-way, which is owned in fee-simple title or by prescription by the Decatur County Board of Commissioners or other government, for the present or future use of roads and highways, together with its drainage facilities and other supporting uses and structures.

***Road, private:*** Any road or street that is not dedicated to Decatur County, is not public, and is privately owned and maintained.

**Road, public:** A state highway, county road, a road adopted as a county-owned right-of-way approved for county maintenance by the Decatur County Board of Commissioners, or a street owned and/or maintained by a municipality.

**Self-storage facility:** A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time. This may include open or enclosed spaces to park or store vehicles. The following activities are not permitted as part of a self-storage facility:

- A. the operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns or similar equipment by renters;
- B. the operation of a transfer or storage business by renters;
- C. the fabrication, repair or servicing of motor vehicles, appliances, equipment or tools; and
- D. auctions, commercial, wholesale or retail sales by renters.

**Setback:** A required open space on a lot that is left undeveloped with buildings, except parking lots and signs.

**Setback, front:** The open space on a lot located between the right-of-way boundary of the abutting street(s) and the front building line projected to the side lot lines.

**Setback, rear:** The open space between the rear property line and the rear building line projected to the side lot lines.

**Setback, side:** The open space between the side property line and the side building line extending from the rear building line to the front building line.

**Shade tree:** Any tree, evergreen or deciduous, whose mature height can be expected to exceed thirty-five (35) feet and whose crown spread can be expected to exceed thirty (30) feet. Shade trees existing or planted shall be at least eight (8) feet in height and two (2) inches in diameter, measured at six (6) inches above grade for new trees and measured at four and one-half (4.5) feet above grade for existing trees.

**Shoulder:** The portion of a roadway contiguous with the travel way for accommodation of stopped vehicles, for emergency use, and for lateral support of the subbase, base, and surface courses.

**Sign:** Any display of words, shapes or images designed to convey a message to the viewer, located on the exterior of any dwelling, building or structure, or located anywhere on a lot upon a dedicated supporting structure or device, including poles, banners, windows and similar devices.

**Significant recharge areas:** Those areas mapped by the Georgia Department of Natural Resources in Hydrologic Atlas 18, 1989 edition.

**Slaughterhouse:** A facility for the slaughtering and processing of animals and the refining of their byproducts.

**Small water supply watershed:** A watershed that contains less than 100 square miles of land within the drainage basin upstream of a governmentally-owned public drinking water supply intake.

**Solar power facility:** A development of property primarily intended to capture or generate energy for sale or distribution from solar power panels or similar technology. This definition excludes the use of solar power technology where the majority of the power generated by the solar panels is retained or used by the owner or occupant of the property, which is considered a permissible accessory use.

**Special events facility:** A building available for lease by private parties for uses including, but not limited to, weddings, birthdays, reunions, anniversaries, and the like. Occupancy requirements shall meet the current construction and safety codes adopted by the governing authority.

**Specialty shops:** Retail operations that specialize in one type or line of merchandise. Such stores may include, but are not limited to, apparel stores, jewelry stores, bookstores, shoe stores, stationary stores, antique stores, and similar establishments.

**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.

**Story:** That portion of a building, not including a basement, between the surface of any floor and the surface of the floor next above it, or if there is no floor above, then the space between the floor and the ceiling next above it.

**Stream or river:** All of the following:

- A. Any perennial stream or river (or portion thereof) that is portrayed as a solid line on a United States Department of Agriculture Soil Survey Map of the most recent edition.
- B. Any intermittent stream or river (or portion thereof) that is portrayed as a dashed line on a United States Department of Agriculture Soil Survey Map of the most recent edition.
- C. Any other streams as may be identified by Decatur County.

- D. Any lake or impoundment not entirely contained within a single parcel of land.

***Street/road:***

- A. *Local street/road:* Street used primarily for access to the abutting properties and serves travel demands in the immediate area, and designated as such on the Road Classification Map of the Decatur County Land Use Plan (where one exists).
- B. *Collector street/road:* Street which usually serves to either provide direct access to lots or distribute traffic from individual lots to major streets. It may also connect neighborhoods with one another. It should be designed to discourage excessive speeds and through traffic. It is designated as such on the Road Classification Map of the Decatur County Land Use Plan (where one exists).
- C. *Arterial street/road:* A street that connects and distributes traffic to and from collector streets and between communities at higher speeds. It is designated as such on the Road Classification Map of the Decatur County Land Use Plan (where one exists).
- D. *Tangent:* A straight section of road that connects two curved sections of road. Minimum sight distance on tangents is as follows:
1. Arterial streets/roads: 500 feet.
  2. Collector streets/roads: 200 feet.

***Structure:*** A combination of materials that form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.  
***Comment.*** By this definition, all buildings are structures; however, not all structures are buildings.

***Subdivision:*** A division of, or the act of dividing, a tract or parcel of land into two or more lots, building sites or other divisions for the purpose of conveyance or development, whether immediate or future.

***Tree diameter:*** The widest cross-sectional dimension of a tree trunk measured at diameter breast height (dbh) or at a point below diameter breast height for new trees or multitrunk species, but in no case less than six (6) inches from the ground.

***Truck stop:*** A facility that provides fueling for tractor trailer rigs and which has at least one of the following characteristics: 1) more than five diesel fuel pumps accessible by tractor trailer rigs, 2) parking spaces for 10 or more tractor trailers, 3) overnight tractor trailer parking, or 4) bathrooms with public bathing facilities.

**Truck terminal:** A facility or premise for the receipt, transfer, short-term storage, and dispatching of goods not produced on the premises and which are transported by truck.

**Use:** Any purpose for which a building or tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or structure or a tract of land.

**Use, accessory:** A use or structure customarily incidental and subordinate to the principal use or structure and located on the same lot as the principal use or structure.

**Use, principal:** The main purpose for which a lot is intended and for which it is used.

**Utility:** Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access, facilities, stormwater systems and railroads.

**Vehicular use areas.** Any area, paved or unpaved, used for egress or ingress, or to store or park motor vehicles.

**View corridor:** The line of sight identified as to height, width, and distance of an observer looking toward an object.

**Water supply watershed:** The drainage area (watershed) of lands upstream of a governmentally-owned public drinking water intake or water supply reservoir or a proposed public drinking water intake or water supply reservoir.

**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:** Those 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.

# CHAPTER 2

## INDUSTRIAL USE OF LAND

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**2.01.01 Purpose.**

It is the purpose and intent of this chapter to require special use permits, and establish procedures and standards for the issuance of special use permits, for the development or substantial expansion of industrial uses of property in the unincorporated portion of Decatur County.

**2.01.02 Industrial uses defined, exemptions.**

- A. *Industrial Use* means, and this ordinance shall apply to, any building, structure or land used or developed with the intent to be used for the purpose of the following economic activities:
1. Mining;
  2. Utilities;
  3. Manufacturing;
  4. Processing of poultry, beef, pork or other livestock for human or animal consumption;
  5. Transportation and warehousing;
  6. Wholesale trade facilities;
  7. Automobile storage, salvage, or wreckage yards;
  8. Truck terminals;
  9. Asphalt or concrete plants;
  10. Scrap metal, iron or steel storage or recovery;
  11. Uses requiring a state or federal permit for collection, transfer or disposal of radioactive equipment or supplies;
  12. Uses requiring a state or federal permit for collection, transfer or disposal of solid waste;
  13. Recycled materials processing;
  14. Uses requiring a state or federal permit for collection, generation, transfer, storage or disposal of hazardous waste;
  15. Uses requiring a state or federal permit for the discharge of wastewater;

16. Uses requiring a state or federal permit for air quality or emissions.

For a more complete list of uses which are industrial uses, the following Sectors of the 2017 edition of the North American Industry Classification System (NAICS) Codes are hereby referenced and incorporated as if fully stated herein: mining (Sector 21), utilities (Sector 22), manufacturing (Sectors 31-33), and transportation and warehousing (Sectors 48-49).

- B. This ordinance shall not apply to:

1. uses which are expressly exempt from local land use regulation by state or federal law;
2. industrial uses which are fully contained on a single parcel of land less than five acres.

### **2.01.03 Industrial use – special use permits required**

- A. No person or entity shall develop a new industrial use or substantially expand an existing industrial use without first obtaining a special use permit from the Decatur County Board of Commissioners. For purposes of this ordinance, substantially expand an existing facility means to increase the developed footprint of a lawfully-existing facility by more than 25% in a one-year period. A special use permit shall be issued to an applicant on evidence, satisfactory to the Decatur County Board of Commissioners, of compliance with all applicable provisions of this article. Any application that is granted by the Decatur County Board of Commissioners shall be subject to additional conditions that the board deems appropriate to mitigate any undesirable effects of the new or expanded industrial use.
- B. No special use permit shall be issued by Decatur County until the applicant has shown, to the satisfaction of the board of commissioners, that all federal, state, and County regulations and ordinances will be complied with in developing the land for an industrial use and that the location in question is appropriate for the intended use in light of the standards and criteria in this chapter. No land disturbance permit, building permit, subdivision approval or other development approval required for the industrial use shall be approved or issued until the special use permit has been issued by the board of commissioners.
- C. If an application for special use permit is filed for a proposed use that is a development of regional impact (DRI) as defined by state law and regulation, the County will delay processing the application until the DRI review process is complete.

- D. Any person or entity which develops or operates any industrial use which is required by this ordinance to have a special use permit without first obtaining said permit shall be in violation of this ordinance and subject to a separate citation for each day that the industrial use is actively under develop or in operation without a special use permit. Further, the County may seek to abate the nuisance or seek temporary, interlocutory or permanent injunctive relief or other relief provided by law.

**2.01.04 Procedure for issuance of special use permit; standards and criteria; decision.**

- A. *Application.* Each applicant for a special use permit shall apply to the Decatur County Board of Commissioners by written application on forms approved by the board of commissioners, and shall pay an application fee as set from time to time by the Board of Commissioners. All questions and information requested on the application form shall be filled in and subscribed to by all applicants under oath by the owner or occupant of the proposed site to be developed for industrial use, if an individual, or by an authorized officer if a corporate entity. The application shall include a site plan drawn to scale by a Georgia-licensed surveyor or engineer showing the proposed industrial use.
- B. *Notice of public hearing.* The board of commissioners shall conduct a public hearing on the application prior to making its final decision to approve or deny the application. Notice of the public hearing shall be published by County staff in the legal organ of the County once, at least 30 but not more than 45 days prior to the date of the public hearing. Said notice shall state the time, place, and purpose of the hearing, and shall identify the property, its location, and the intended industrial use of the property. At least 30 days prior to the hearing at which the special use permit is proposed, the same information shall be posted on a sign conspicuously located on the subject property by County staff. Written notice of the hearing shall be provided to the applicant at least 30 days prior to the hearing.
- C. *Conduct of public hearing.* At said hearing, County staff may introduce the application and present data and analysis of the application. The applicant requesting the special use permit shall then be allowed to speak and present data, evidence and witnesses regarding the subject of the application. The board chair shall then open the floor to other interested persons. Proponents and opponents of the proposed special use permit shall be allowed at least five minutes per person and at least 15 minutes per side to speak and present data and evidence regarding the subject of the application. The board chair may allow proponents or opponents additional time if the circumstances of the particular application require it, provided that equal additional time will be afforded to both sides. In addition to oral presentations, proponents and opponents may submit written data and evidence to the board.

- D. *Standards and criteria.* In considering whether to grant a special use permit, the board shall consider the following:
1. the existing land uses of the subject property and nearby properties;
  2. the suitability of the subject property for its current use;
  3. whether the subject property has a reasonable economic use other than the proposed industrial use;
  4. whether the proposed industrial use will be suitable in view of the use and development of adjacent and nearby properties;
  5. whether the proposed industrial use will adversely affect the existing use or usability of adjacent or nearby properties;
  6. whether the proposed industrial use is one which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
  7. whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed industrial use;
  8. whether the proposed industrial use will be detrimental to the natural environment, including water quality and resources, air quality and wildlife;
  9. whether any negative effects from the proposed industrial use can be mitigated by reasonable and appropriate conditions of approval;
  10. what benefits and burdens will the proposed use have on Decatur County and regional economy?
- E. *Decision.* Upon completion of the public hearing, the board of commissioners may table the matter to a future meeting, deny the application, grant the application, or grant the application with conditions reasonably designed to mitigate any negative effects from the proposed industrial use. The final decision, including any conditions, shall be reduced to writing, delivered to the applicant, and kept on file in the records of the county clerk. The County may record such final decision in the deed records maintained by the clerk of the superior court to give future purchasers of the property notice of any conditions of an approved special use. Any dissatisfied applicant or aggrieved citizen may appeal the final decision of the board of commissioners to the Superior Court of Decatur County in the manner provided by general law.

# CHAPTER 3

## PROTECTION OF NATURAL FEATURES AND RESOURCES

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### 3.00.00 GENERALLY

The provisions set forth in Chapter 3 are intended to protect the natural features and natural resources within Decatur County, and to implement policies in the Decatur County Comprehensive Plan. The natural features and natural resources included in Chapter 3 are the floodplain, groundwater recharge areas, riparian buffer zone, wetlands, and aquifer recharge areas.

### 3.01.00 FLOODS

#### 3.01.01 Statutory authorization

Article IX, Section II of the Constitution of the State of Georgia and O.C.G.A. § 36-1-20(a) have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the board of commissioners of Decatur County, Georgia, does ordain the provisions of this article.

#### 3.01.02 Findings of fact

- A. The flood hazard areas of Decatur County, Georgia, are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

#### 3.01.03 Statement of purpose

It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- B. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
- C. Control filling, grading, dredging and other development which may increase flood damage or erosion;

- D. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; and
- E. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

#### **3.01.04 Objectives of article**

The objectives of this article are:

- A. To protect human life and health;
- B. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- C. To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas;
- D. To minimize expenditure of public money for costly flood control projects;
- E. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- F. To minimize prolonged business interruptions; and
- G. To ensure that potential homebuyers are notified that property is in a flood area.

#### **3.01.05 Lands to which this article applies**

This article shall apply to all areas of special flood hazard within the jurisdiction of Decatur County, Georgia.

#### **3.01.06 Basis for area of special flood hazard**

The areas of special flood hazard identified by the Federal Emergency Management Agency in its most recent applicable flood insurance study (FIS), with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this article.

For those land areas acquired by a municipality through annexation, the current effective FIS, with accompanying maps and other supporting data and any revision thereto for Decatur County, are hereby adopted by reference.

Areas of special flood hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.

The repository for public inspection of the flood insurance study (FIS), accompanying maps, and other supporting data is located in the Decatur County Community Development Department.

### **3.01.07 Establishment of development permit**

A development permit shall be required in conformance with the provisions of this article prior to the commencement of any development activities.

### **3.01.08 Compliance with article provisions**

No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this article and other applicable regulations.

### **3.01.09 Abrogation and greater restrictions**

This article is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

### **3.01.10 Interpretation and definitions**

In the interpretation and application of this article, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

***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 an independent perimeter load-bearing wall, shall be considered new construction.

***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.

***Flood-proofing:*** 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.

***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 a designated height.

***Highest adjacent grade:*** The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

***Start of construction:*** The date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement occurs within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, 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 structure, such as garages or sheds not occupied as dwelling units or part of the main structure.) (Note: accessory structures are not exempt from any article requirements.) 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.

***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 the damage occurred.

***Substantial improvement:*** Any reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a five-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure prior to the start of construction of the improvement. Note: The market value of the structure should be: (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 which 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: (1) those improvements of a structure required to comply with existing violations of state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions and which have been identified by the code enforcement official, and not solely triggered by an improvement or repair project, or (2) any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

***Substantially improved manufactured home parks or subdivisions:*** 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, reconstruction or improvement commenced.

#### **3.01.11 Warning and disclaimer of liability**

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This article 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 article shall not create liability on the part of Decatur County or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

#### **3.01.12 Designation of article administrator**

The Planning Director is hereby appointed to administer and implement the provisions of this article.

#### **3.01.13 Permit procedures**

Application for a development permit shall be made to the Planning Director on forms furnished by the community prior to any development activities and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location and dimensions of existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities.

Specifically, the following information is required:

##### **A. *Application stage.***

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 nonresidential structure will be flood-proofed;
  3. Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of section 3.01.16B;
  4. Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development; and
- B. *Construction stage.* For all new construction and substantial improvements, the permit holder shall provide to the Building Official an as-built certification of the regulatory floor elevation or flood-proofing level immediately after the lowest floor or flood-proofing is completed. 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.

Any work undertaken prior to submission of these certifications shall be at the permit holder's risk. The Planning Director 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 progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

### 3.01.14 Duties and responsibilities of the director

Duties of the Planning Director shall include, but shall not be limited to:

- A. Review proposed development to assure that the permit requirements of this article have been satisfied.
- B. Review proposed development to assure that all necessary permits have been received 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 USC 1334. Require that copies of such permits be provided and maintained on file.
- C. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- D. When base flood elevation data or floodway data have not been provided in accordance with section 3.01.06, then the Planning Director shall obtain, review and reasonably utilize any base flood elevation and floodway data

available from a federal, state or other source in order to administer the provisions of this article.

- E. 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 in accordance with section 3.01.13B.
- F. Review and record the actual elevation in relation to mean sea level to which any new or substantially improved structures have been flood-proofed in accordance with section 3.01.13B.
- G. When flood-proofing is utilized for a structure, the Building Official shall obtain certification of design criteria from a registered professional engineer or architect in accordance with section 3.01.13A.3. and 3.01.16B.
- H. Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.
- I. Notify 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).
- J. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the FEMA to ensure accuracy of community flood maps through the letter of map revision process. Assure flood-carrying capacity of any altered or relocated watercourse is maintained.
- K. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Planning Director 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 article.
- L. All records pertaining to the provisions of this article shall be maintained in the office of the Planning Director and shall be open for public inspection.

### **3.01.15 General standards**

In all areas of special flood hazard, the following provisions are required:

- A. New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;

- B. New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
- C. New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
- D. Elevated buildings. All new construction or 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 or 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;
  - 1. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
    - a. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    - b. The bottom of all openings shall be no higher than one foot above grade; and
    - c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions;
  - 2. So as not to violate the "lowest floor" criteria of this ordinance, 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
  - 3. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms;
- E. All heating and air conditioning equipment and components (including ductwork) and all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- F. Manufactured homes shall be anchored to prevent flotation, collapse, or 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;

- G. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- H. 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;
- I. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and
- J. Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this article shall be undertaken only if the nonconformity is not furthered, extended or replaced.

### 3.01.16 Specific standards

In all areas of special flood hazard, the following provisions are required:

- A. *New construction and/or substantial improvements.* Where base flood elevation data are available, new construction and/or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with standards of section 3.01.15D., "Elevated Buildings."

All heating and air conditioning equipment and components (including ductwork) and all electrical, ventilation, plumbing, and other service facilities shall be elevated at or above one foot above the base flood elevation.

- B. *Non-residential construction.* New construction and/or the substantial improvement of any structure located in A1-30, AE, or AH zones may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one foot above the base flood elevation, 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 official as set forth above and in section 3.01.14F.
- C. *Standards for manufactured homes and recreational vehicles.* Where base flood elevation data is available:

1. All manufactured homes placed and/or substantially improved on: (1) individual lots or parcels, (2) in new and/or substantially improved manufactured home parks or subdivisions, (3) in expansions to existing manufactured home parks or subdivisions, or (4) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood must have the lowest floor including basement elevated no lower than one foot above the base flood elevation.
  2. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:
    - a. The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation; or
    - b. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.
  3. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (Ref. section 3.01.15F.)
  4. All recreational vehicles placed on sites must either:
    - a. Be on the site for fewer than 180 consecutive days;
    - b. 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 additions); or
    - c. The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of subsections C.1. and C.3. of this section.
- D. *Floodway.* Located within areas of special flood hazard established in section 3.01.06 are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area 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. Development may be permitted, however, 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 in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.
2. Only if subsection D.1. of this section is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of this ordinance.

**3.01.17 Building standards for streams without established base flood elevations and/or floodway (A-zones)**

Located within the areas of special flood hazard established in section 3.01.06, where streams exist but no base flood data has been provided (A-zones), or where base flood data has been provided but a floodway has not been delineated, the following provisions apply:

- A. When base flood elevation data or floodway data has not been provided in accordance with section 3.01.06, then the Planning Director shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a federal, state, or other source in order to administer the provisions of this ordinance. Only if data is not available from these sources, then the following subsections B. and C. shall apply:
- B. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or 20 feet, whichever is greater, measured from the top of the stream bank.
- C. In special flood hazard areas without base flood elevation 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 feet above the highest adjacent grade at the building site. (Note: Require the lowest floor to be elevated one foot above the estimated base flood elevation in A-zone areas where a limited detail study has been completed.) Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of section 3.01.15D., "Elevated Buildings."

All heating and air conditioning equipment and components (including ductwork) and all electrical, ventilation, plumbing, and other service facilities

shall be elevated no less than three feet above the highest adjacent grade at the building site.

The Planning Director shall certify the lowest floor elevation level, and the record shall become a permanent part of the permit file.

**3.01.18 Standards for areas of special flood hazard (zones AE) with established base flood elevations without designated floodways**

Located within the areas of special flood hazard established in section 3.01.06, where streams with base flood elevations are provided but no floodways have been designated (zones AE), the following provisions apply:

- A. No encroachments, including fill material, new structures or substantial improvements, shall be located within areas of special flood hazard unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- B. New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with section 3.01.16.

**3.01.19 Standards for areas of shallow flooding (AO zones)**

Areas of special flood hazard established in section 3.01.06 may include designated AO shallow flooding areas. These areas have base flood depths of one to three feet above ground, with no clearly defined channel. The following provisions apply:

- A. All new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated to 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 feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of section 3.01.15D., "Elevated Buildings."

The Planning Director shall certify the lowest floor elevation level, and the record shall become a permanent part of the permit file.

- B. New construction or the 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 watertight to

the specified FIRM flood level plus one foot above highest adjacent grade, 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 official as set forth above and as required in sections 3.01.13A.3. and 3.01.13B.

- C. Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

### 3.01.20 Standards for subdivisions

- A. All subdivision and/or development proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision and/or development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision and/or development proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- D. For subdivisions and/or developments greater than 50 lots or five acres, whichever is less, base flood elevation data shall be provided for subdivision and all other proposed development, including manufactured home parks and subdivisions. Any changes or revisions to the flood data adopted herein and shown on the FIRM shall be submitted to FEMA for review as a conditional letter of map revision (CLOMR) or conditional letter of map amendment (CLOMA), whichever is applicable. Upon completion of the project, the developer is responsible for submitting the as-built data to FEMA in order to obtain the final LOMR.

### 3.01.21 Standards for critical facilities

**Critical facility:** Any public or private facility, which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Critical facilities include:

- A. Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials;
- B. Hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events;

- C. Emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and
- D. Generating plants, and other principal points of utility lines.

Critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain.

All ingress and egress from any critical facility must be protected to the 500-year flood elevation.

### 3.01.22 Appeals and variance procedures

- A. The Decatur County Board of Commissioners shall hear and decide requests for appeals or variance from the requirements of this article, and Chapter 7 of this UDO.
- B. The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Planning Director in the enforcement or administration of this article.
- C. Any person aggrieved by the decision of the board of commissioners may appeal such decision to the Superior Court of Decatur County, as provided by law.
- D. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
- E. Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this article 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.
- F. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- G. In reviewing such requests, the board of appeals shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this article.

H. Conditions for variances.

1. A 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, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
2. The provisions of this article are minimum standards for flood loss reduction; therefore, any deviation from the standards must be weighed carefully. Variances shall only be issued upon a 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.
3. 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.
4. The Planning Director shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

- I. Upon consideration of the factors listed above and the purposes of this article, the board of appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.

**3.02.00 GRAP, GROUNDWATER RECHARGE AREA PROTECTION**

**3.02.01 Purpose**

In order to provide for the health, safety, and welfare of the public and a healthy economic climate within Decatur County and surrounding communities, it is essential that the quality of public drinking water be ensured. For this reason, it is necessary to protect the subsurface water resources that Decatur County and surrounding communities rely on as sources of public water.

Groundwater resources are contained within underground reservoirs known as aquifers. These aquifers are zones of rock beneath the earth's surface capable of containing or producing water from a well. They occupy vast regions of the subsurface and are replenished by infiltration of surface water runoff in zones of the surface known as groundwater recharge areas. Groundwater is susceptible to contamination when unrestricted development occurs within significant groundwater recharge areas. It is, therefore, necessary to manage land use within groundwater recharge areas in order to ensure that pollution threats are minimized.

### **3.02.02 Establishment of the Groundwater Recharge Area Protection District**

The Groundwater Recharge Area Protection (GRAP) District is hereby established which shall correspond to all lands within the jurisdiction of Decatur County, Georgia, that are mapped as significant recharge areas by the Georgia Department of Natural Resources in Hydrologic Atlas 18, 1989 edition. Said map is hereby adopted and made a part of this ordinance.

Determination of pollution susceptibility: Each recharge area shall be determined to have a pollution susceptibility of high, medium, or low based on the Groundwater Pollution Susceptibility Map, Hydrologic Atlas 20, 1992 edition. Said map is hereby adopted and made a part of this ordinance.

### **3.02.03 Protection criteria**

- A. No construction may proceed on a building or manufactured home to be served by a septic tank unless the Decatur 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 Manual (hereinafter DHR Manual), and sections B and C below.
- B. New homes served by a septic tank/drain field system shall be on lots having minimum size limitations as follows, based on application of Table MT-1 of the DHR Manual (hereinafter DHR Table MT-1). The minimums set forth in DHR Table MT-1 may be increased further based on consideration of other factors (set forth in Sections A-F) of the DHR Manual.
  - 1. 150 percent of the subdivision minimum lot size calculated based on application of DHR Table MT-1 if they are within a high pollution susceptibility area;
  - 2. 125 percent of the subdivision minimum lot size calculated based on application of DHR Table MT-1 if they are within a medium pollution susceptibility area; or

3. 110 percent of the subdivision minimum lot size calculated based on application of DHR Table MT-1 if they are within a low pollution susceptibility area.
- C. New manufactured home parks served by septic tank/drain field systems shall have lots or spaces having minimum size limitations as follows, based on application of Table MT-2 of the DHR Manual (hereinafter DHR Table MT-2). The minimums set forth in DHR Table MT-2 may be increased further based on consideration of other factors (set forth in Sections A-F) of the DHR Manual.
1. 150 percent of the subdivision minimum lot or space size calculated based on application of DHR Table MT-2 if they are within a high pollution susceptibility area;
  2. 125 percent of the subdivision minimum lot or space size calculated based on application of DHR Table MT-2 if they are within a medium pollution susceptibility area; or
  3. 110 percent of the subdivision minimum lot or space size calculated based on application of DHR Table MT-2 if they are within a low pollution susceptibility area.
- D. New agricultural waste impoundment sites shall be lined if they are within a high pollution susceptibility area; a medium pollution susceptibility area and exceed 15 acre-feet; or a low pollution susceptibility area and 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  $5 \times 10^{-7}$  cm/sec or other criteria established by the Natural Resource and Conservation Service.
- E. New above-ground chemical or petroleum storage tanks, having a minimum volume of 660 gallons, shall have secondary containment for 110 percent of the volume of such tanks or 110 percent 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.
- F. 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.
- G. Permanent stormwater infiltration basins shall not be constructed in areas having high pollution susceptibility.

### 3.02.04 Exemptions

Any lot of record approved prior to the adoption of this ordinance is exempt from the minimum lot size requirements contained in sections 3.02.03.B and 3.02.03.C of this ordinance.

### 3.02.05 Permit requirements and enforcement

- A. *Site plans.* Application for a local development permit within the Decatur County Groundwater Recharge Area Protection District shall include a site plan, drawn at a scale of 1" = 50', with the following information:
1. A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, and cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale, and vertical scale must be shown on the cross-sectional drawings.
  2. A map of any Groundwater Recharge Area Protection District boundaries occurring within the site must be provided. This boundary may be included on other maps provided by the applicant.
  3. Location, dimensions, and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of 200 feet.
  4. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.
  5. Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than two feet and no greater than one foot for slopes less than or equal to two percent.
  6. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
  7. All proposed temporary disruptions or diversions of local hydrology.
- B. *Activities to comply with site plan.* All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan. Significant changes to the site plan that would alter the amount and velocity of stormwater runoff from the site, increase the amount of impervious surface within the development, alter the overall density of the development, or result in a considerable increase in the amount of excavation, fill or removal of the overall appearance of the development as proposed can be amended only with the approval of the Planning Director. Minor changes, such

as the realignment of streets or minor alterations to drainage structures and other infrastructure to meet unexpected conditions, are exempted from this requirement.

C. *Exemptions to site plan requirements.* The following activities and developments are exempt from the requirement for detailed site plans:

1. Single-family detached homes constructed within a subdivision of fewer than five parcels.
2. Repairs to a facility that is part of a previously approved and permitted development.
3. Construction of minor structures, such as sheds or additions to single-family residences.

D. *Review procedures.* The application shall be made to the Planning Director and will be reviewed within 15 days. At the time of the application, the applicant shall pay a filing fee as specified by Decatur County. This fee may be used to retain expert consultants who will provide services pertaining to functional assessment, mitigation, and Decatur County Groundwater Recharge Area Protection District boundary determinations, as deemed necessary by the Planning Director. The review period shall include the preparation of findings (approval, approval with conditions, or disapproval) by the Planning Director. The applicant will receive written notification of the findings of the Planning Director. Decisions of the Planning Director may be appealed to the Decatur County Board of Appeals.

E. *Duration of permit validity.*

1. If construction described in the development permit has not commenced within 12 months from the date of issuance, the permit shall expire.
2. If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire 12 months after the date that work ceased.
3. Written notice of pending expiration of the development permit shall be issued by the Planning Director.

F. *Suspension, revocation.* The Planning Director may suspend or revoke a permit if s/he finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work set forth in the permit.

### **3.02.06 Judicial review**

All final decisions of the Decatur County Board of Commissioners concerning denial, approval or conditional approval of a permit shall be reviewable in the Decatur County Superior Court in the manner provided by law.

### **3.02.07 Amendments**

These regulations, and maps incorporated herein, may from time to time be amended in accordance with procedures and requirements in the general statutes and as new information becomes available.

### **3.02.08 Assessment relief**

Assessors and boards of assessors shall consider requirements of these regulations in determining the fair market value of land.

## **3.03.00 RBZ, RIPARIAN BUFFER ZONE**

### **3.03.01 Intent and purpose**

The streams and rivers of Decatur County supply much of the water required by Decatur County citizens for drinking and other municipal and industrial uses. The quality of the groundwater that is used for drinking, agricultural and industrial purposes in Decatur County is connected with the quality of the surface water in the streams and rivers of Decatur County. Furthermore, the people of Decatur County use the surface waters for fishing, canoeing, and other recreational and economic purposes. The Decatur County Board of Commissioners finds that the protection of the streams and rivers of Decatur County is vital to the health, safety and economic welfare of its citizens.

It is therefore the intent of this ordinance to establish a new riparian buffer zone of restricted development and limited land use adjacent to all perennial streams and rivers in Decatur County. The purposes of the riparian buffer zone are: to protect public and private water supplies, to trap sediment and other pollutants in surface runoff, to promote bank stabilization, to protect riparian wetlands, to minimize the impact of floods, to prevent decreases in base flow, to protect wildlife habitat, and to generally maintain water quality.

The standards and regulations set forth in this ordinance are created under the authority of Decatur County's Home Rule and land use planning powers defined in the Georgia Constitution. In the event of a conflict between or among any provisions of this ordinance, or any other ordinances of Decatur County, the requirement that is most restrictive and protective of water quality shall apply.

### **3.03.02 Title**

This section shall be known as "The Riparian Buffer Zone Requirements of Decatur County" and may be referred to generally as "Riparian Buffer Requirements."

### **3.03.03 District use and regulations**

- A. The Riparian Buffer Zone (RBZ) District is an overlay district that encompasses all land within 100 feet on either side of all streams in Decatur County, measured as a line extending from the stream bank. The RBZ must be maintained in a naturally vegetated state. Any property or portion thereof that lies within the RBZ is subject to the restrictions of the RBZ as well as any and all restrictions that apply to the tax parcel as a whole.
- B. The following land uses are prohibited within the protected area:
  - 1. Any land-disturbing activity;
  - 2. Septic tanks and septic tank drain fields;
  - 3. Buildings, accessory structures, and all types of impervious surfaces;
  - 4. Hazardous or sanitary waste landfills;
  - 5. Receiving areas for toxic or hazardous waste or other contaminants;
  - 6. Mining; and
  - 7. Stormwater retention and detention facilities, except those built as constructed wetlands that met the approval of the community development department of Decatur County.

### **3.03.04 Exceptions**

- A. The following land uses are excepted from the provisions of section 3.03.03:
  - 1. Existing land uses, except as follows:
    - a. When the existing land use, or any building or structure involved in that use, is enlarged, increased, or extended to occupy a greater area of land;
    - b. When the existing land use, or any building or structure involved in that use, is moved (in whole or in part) to any other portion of the property; or

- c. When the existing land use ceases for a period of more than one year.
2. Agricultural production, provided that it is consistent with all state and federal laws, regulations promulgated by the Georgia Department of Agriculture, and Best Management Practices established by the Georgia Soil and Water Conservation Commission.
3. Timber harvesting as promulgated by the Georgia Forestry Commission incorporating and complying with Best Management Practices.
4. Crossings by transportation facilities and utility lines. However, issuance of permits for such uses or activities is contingent upon the completion of a feasibility study that identifies alternative routing strategies that do not violate the RBZ, as well as a mitigation plan to minimize impacts on the RBZ.
5. Temporary stream, stream bank, and vegetation restoration projects, the goal of which is to restore the stream or RBZ to an ecologically healthy state.
6. Structures which, by their nature, cannot be located anywhere except within the RBZ. These include docks, boat launches, public water supply intake structures, facilities for natural water quality treatment and purification, and public wastewater treatment plant sewer lines and outfalls.
7. Wildlife and fishery management activities consistent with the purposes of Section 12-2-8 (as amended) of the Official Code of Georgia Annotated.
8. Construction of a single-family residence, including the usual appurtenances, provided that:
  - a. Based on the size, shape or topography of the property, as of the effective date of this ordinance, it is not reasonably possible to construct a single-family dwelling without encroaching upon the RBZ;
  - b. The dwelling conforms with all other regulations;
  - c. The dwelling is located on a tract of land containing at least two acres. For purposes of these standards, the size of the tract of land shall not include any area that lies within the protected river or stream; and

- d. There shall be only one such dwelling on each two-acre or larger tract of land.
- 9. Other uses permitted by the Georgia DNR or under Section 404 of the Clean Water Act.
- B. Notwithstanding the above, all excepted uses, structures or activities shall comply with the requirements of the Erosion and Sedimentation Act of 1975 (as amended) and all applicable Best Management Practices and shall not diminish water quality as defined by the Clean Water Act. All excepted uses shall be located as far from the stream bank as reasonably possible.

### 3.04.00 WP, WETLANDS PROTECTION

#### 3.04.01 Purpose

The wetlands in Decatur County are indispensable and fragile natural resources with significant development constraints due to flooding, erosion, and soils limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife and vegetation; water quality maintenance and pollution control; flood control; erosion control; natural resource education; scientific study; and open space and recreational opportunities. In addition, the wise management of forested wetlands is essential to the economic well-being of many communities within the state of Georgia.

Nationally, a considerable number of these important natural resources have been lost or impaired by draining, dredging, filling, excavating, building, pollution and other acts. Piecemeal or cumulative losses will, over time, destroy additional wetlands. Damaging or destroying wetlands threatens public safety and the general welfare.

The Georgia Department of Natural Resources and the Georgia Department of Community Affairs have determined that each local government with classified wetlands located in its jurisdiction must adopt a wetlands protection ordinance under the requirements of House Bill 215, Georgia's 1989 Growth Strategies Legislation and the rules promulgated thereunder.

It is therefore necessary for Decatur County, Georgia, to ensure maximum protection for wetlands by discouraging development activities in wetlands that may adversely affect wetlands.

The purpose of this ordinance is to promote wetlands protection while taking into account varying ecological, economic development and recreational and aesthetic values. Activities that may damage wetlands should be located on upland sites to the greatest degree practicable as determined through a permitting process. The objective of this article is to protect wetlands from alterations which will significantly

affect or reduce their primary functions for water quality, flood plain and erosion control, ground water recharge, aesthetic nature, and wildlife areas and to comply with the requirements of state law related to wetland protection.

### **3.04.02 Establishment of the Wetlands Protection District**

The Wetlands Protection (WP) District is hereby established which shall correspond to all lands within the jurisdiction of Decatur County, Georgia, that are mapped as wetland areas by the U.S. Fish and Wildlife Service National Wetlands Inventory Map. This map shall be referred to as the Generalized Wetlands Map and is hereby adopted by reference and declared to be a part of this ordinance, together with all explanatory matter thereon and attached thereto.

The Generalized Wetlands Map does not necessarily represent the boundaries of jurisdictional wetlands within Decatur County and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended. Any local government action under this ordinance does not relieve the landowner from federal or state permitting requirements.

### **3.04.03 Protection criteria**

Requirement for local permit or permission: No regulated activity will be permitted within the Wetlands Protection District without written permission or a permit from Decatur County. If the area proposed for development is located within 50 feet of a Wetlands Protection District boundary, as determined by the Planning Director using the Generalized Wetlands Map, a U.S. Army Corps of Engineers' determination shall be required. If the Corps determines that wetlands are present on the proposed development site, the local permit or permission will not be granted until a Section 404 Permit or Letter of Permission is issued. For purposes of this section, regulated activity means any activity which will, or which may reasonably be expected to, result in the discharge of dredged or fill material into waters of the United States excepting those activities exempted in section 3.04.04 of this article and exempted in Section 404 of the Federal Clean Water Act.

### **3.04.04 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, and provided they do not require structures, grading, fill, draining, or dredging except as provided herein. [The activities listed in this section are exempted from Section 404 regulations provided they do not have impacts on a navigable waterway that would necessitate acquisition of an individual 404 permit. However, under Section 10 of the Rivers and Harbors Act, a permit may be required in some circumstances.]

- A. Operations conducted during normal silvicultural activities, including minor dredge and fill associated with road construction, harvesting, and reforestation practices provided they meet the performance standards and road construction Best Management Practices required under Section 404 of the Clean Water Act.
- B. 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.
- C. Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding, and canoeing.
- D. 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.
- E. The cultivation of agricultural crops. Agricultural activities shall be subject to Best Management Practices approved by the Georgia Department of Agriculture.
- F. 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.
- G. Education, scientific research, and nature trails.
- H. Temporary emergency permit. A temporary emergency permit can be issued by the County or its designee for the following reasons:
  - Maintenance or repair of lawfully located roads or structures and of facilities used in the service of the public to provide transportation, electric, gas, water, telephone, telegraph, telecommunication or other services, provided that such roads, structures, or facilities are not materially changed or enlarged and that, prior to the commencement of work, written notice has been given to the County or its designee and provided that the work is conducted using Best Management Practices to ensure that flow and circulation patterns and chemical and biological characteristics of the wetland are not impaired and that any adverse effect on the aquatic environment will be minimized.
  - Temporary water level stabilization measures associated with silvicultural operations, provided that they are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected.

- Limited ditching, tilling, dredging, excavating, or filling done solely for the purpose of maintaining or repairing existing drainage systems necessary for the cultivation of agricultural crops, provided that the maintenance or repair activity does not result in the impairment, alteration, or loss of wetlands not previously subject to agricultural and silvicultural use under the terms and provisions of this section.
- Limited excavating and filling necessary for the repair and maintenance of piers, walkways, nature trails, observation decks, wildlife management shelters, boathouses, or other similar water-related structures, provided that they are built on pilings to allow unobstructed flow of water and preserve the natural contour of the wetland.

#### 3.04.05 Prohibited uses

The following uses are not permitted within the Wetlands Protection District:

- A. Receiving areas for toxic or hazardous waste or other contaminants; or
- B. Hazardous or sanitary waste landfills.

#### 3.04.06 Permit requirements and enforcement procedures

- A. *Site plans.* Application for a local development permit within Decatur County shall include a site plan, drawn at a scale of 1" = 50', with the following information:
  - 1. A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, and cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale, and vertical scale must be shown on the cross-sectional drawings.
  - 2. A map of any wetland boundaries occurring within the site must be provided. This boundary may be included on other maps provided by the applicant.
  - 3. Location, dimensions, and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of 200 feet.
  - 4. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.
  - 5. Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than two feet and no greater than one foot for slopes less than or equal to two percent.

6. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
  7. All proposed temporary disruptions or diversions of local hydrology.
- B. *Activities to comply with site plan.* All development activities or site work conducted after approval of the site plan shall conform to the specifications of said site plan. Significant changes to the site plan that would alter the amount and velocity of stormwater runoff from the site, increase the amount of impervious surface within the development, alter the overall density of the development, or result in a considerable increase in the amount of excavation, fill, or removal of the overall appearance of the development as proposed can be amended only with the approval of the Planning Director. Minor changes, such as the realignment of streets or minor alterations to drainage structures and other infrastructure to meet unexpected conditions, are exempted from this requirement.
- C. *Exemptions to site plan requirements.* The following activities and developments are exempt from the requirement for detailed site plans:
1. Single-family detached homes constructed within a subdivision of fewer than five parcels.
  2. Repairs to a facility that is part of a previously approved and permitted development.
  3. Construction of minor structures, such as sheds or additions to single-family residences.
- D. *Review procedures.* The application shall be made to the Planning Director and will be reviewed within 30 days. At the time of the application, the applicant shall pay a filing fee as specified by the Decatur County Fee Schedule. This fee may be used to retain expert consultants who will provide services pertaining to functional assessment, mitigation, and wetland boundary determinations, as deemed necessary by the Planning Director. The review period shall include the preparation of findings (approval, approval with conditions, or disapproval) by the Planning Director. The applicant will receive written notification of the findings of the Planning Director. Decisions of the Planning Director may be appealed to the Decatur County Board of Appeals.
- E. *Duration of permit validity.*
1. If construction described in the development permit has not commenced within 12 months from the date of issuance, the permit shall expire.

2. If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire 12 months after the date that work ceased.
  3. Written notice of pending expiration of the development permit shall be issued by the Planning Director.
- F. *Suspension, revocation.* The Planning Director may suspend or revoke a permit if s/he finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work set forth in the permit.

#### 3.04.07 Amendments

These regulations, and maps incorporated herein, may from time to time be amended in accordance with procedures and requirements in the general statutes and as new information becomes available.

#### 3.04.08 Assessment relief

Assessors and boards of assessors shall consider requirements of these regulations in determining the fair market value of land.

### 3.05.00 AQUIFER RECHARGE AREA PROTECTION

#### 3.05.01 Title of the article, findings, and objectives

- A. *Title of article.* This article shall be known as the Aquifer Recharge Area Protection Ordinance of Decatur County, Georgia.
- B. *Findings of fact.* In order to provide for the health, safety, and welfare of the public and a healthy economic climate within the County and surrounding communities, it is essential that the quality of public drinking water be ensured. For this reason, it is necessary to protect the subsurface water resources that Decatur County, Georgia, and surrounding communities rely on as sources of public water. Groundwater resources are contained within aquifers, which are permeable, rock strata occupying vast subsurface regions. These aquifers are replenished by infiltration of stormwater runoff in zones of the surface known as aquifer recharge areas.

Aquifers are susceptible to contamination when unrestricted development occurs within significant aquifer recharge areas. It is, therefore, necessary to manage land use within aquifer recharge zones in order to ensure that pollution threats are minimized.

- C. *Adoption of aquifer recharge protection ordinance.* The Georgia Department of Natural Resources and the Georgia Department of Community Affairs have determined that each local government with "significant groundwater recharge areas" (identified on the Ground Water Pollution Susceptibility Map of Georgia Hydrologic Atlas #20) must adopt an aquifer recharge protection ordinance under the requirements of House Bill 215, Georgia's 1989 Growth Strategies Legislation and the rules promulgated thereunder.
- D. *Objectives.* The objectives of this article are to:
1. Protect groundwater by prohibiting land uses that generate dangerous pollutants in recharge areas;
  2. Protect groundwater by limiting density of development;
  3. Protect groundwater by reducing adverse effects on groundwater from the development that occurs within the recharge area; and
  4. Comply with the requirements of the Georgia 1989 Growth Strategies Legislation.

#### **3.05.02 Establishment of an aquifer recharge area district**

An aquifer recharge area district is hereby established which shall correspond to all lands within the jurisdiction of Decatur County, Georgia, that are mapped as significant recharge areas by the Georgia Department of Natural Resources in Hydrologic Atlas 18 (1989 Edition) and are indicated as "most significant groundwater recharge areas" on the Groundwater Pollution Susceptibility Map of Georgia.

#### **3.05.03 Determination of pollution susceptibility**

Each recharge area shall be determined to have a pollution susceptibility of high, medium, or low based on the Groundwater Pollution Susceptibility Map of Georgia. Said map is hereby adopted and made a part of this article.

#### **3.05.04 Permit requirements and enforcement**

No building permit or subdivision plan may be approved by Decatur County or its designee unless the permit, request or plan is in compliance with the aquifer protection standards listed in section 3.05.05.

- A. *Enforcement.* Decatur County or its designee, its agent, officers, and employees shall have authority to enter upon privately-owned land for the purpose of performing their duties under this article and may take or cause to be made such examination, surveys, or sampling as Decatur County or its designee deems necessary.

1. The Decatur County Planning Director and the Decatur County Building Official are hereby designated respectively as the administrator and enforcement officer for this article.
  2. The County Building Official shall have authority to enforce this article; issue permits thereunder; and address violations or threatened violations thereof by issuance of violation notices, administrative orders, and civil and criminal actions. All costs, fees, and expenses in connection with such actions may be recovered as damages against the violator.
  3. Law enforcement officials or other officials having police powers shall have authority to assist the County Building Official in enforcement.
  4. Any person who commits, takes part in, or assists in any violation of any provision of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by law. Each violation of this act shall be a separate offense, and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense.
  5. The County Building Official shall have the authority to issue cease and desist orders in the event of any violation of this article. Cease and desist orders may be appealed to a court of competent jurisdiction, as identified in section 3.05.06.
  6. When a building or other structure has been constructed in violation of this article, the violator shall be required to remove the structure or bring said structure into compliance with this article.
  7. When removal of vegetative cover, excavation or fill has taken place in violation of this article, the violator shall be required to restore the affected land to its original contours and to restore vegetation, as far as practicable.
- B. *Permit review and site plan requirement.* Applications for a development permit within the aquifer recharge area district shall include a site plan, with the exception of certain exempted activities identified in subsection C. of this section. The following information is required for all site plans:
1. A map shall be drawn to a scale of one inch equals 50 feet or other appropriate scale as determined by the County, showing all planned improvements including the width, depth, and length of all existing and proposed structures, roads, water courses, and drainage ways; water, waste water, and storm water facilities; and utility installations.

2. Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site.
  3. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.
  4. Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than five feet.
  5. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
  6. Calculations of the amount of cut and fill proposed and cross-section drawings showing existing and proposed grades in areas of fill or excavation. Elevations, horizontal scale, and vertical scale must be shown on cross-sectional drawings.
  7. Activities to comply with site plan. All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan. Significant changes to the site plan, that would alter the amount and velocity of stormwater runoff from the site, increase the amount of impervious surface within the development, alter the overall density of development, result in a considerable increase in the amount of excavation, fill, or removal of vegetation during construction, or otherwise result in an alteration of the overall appearance of the development proposed, can be amended only with the approval of the County. Minor changes, such as realignment of other infrastructure to meet unexpected conditions, are exempted from this requirement.
- C. *Exemptions to site plan requirements.* The following activities and developments are exempt from the requirement for detailed site plans:
1. Single-family detached homes constructed within a subdivision of fewer than five parcels.
  2. Repairs to a facility that is part of a previously approved and permitted development.
  3. Construction of minor structures, such as sheds, or additions to single-family residences.
- D. *Review procedures.* The application shall be made to the County Planning Director and will be reviewed within 60 days or in accordance with established review procedures for the type of development being constructed, whichever is

greater. The review period shall include the preparation of findings (approval or disapproval) by the County Planning Director. The applicant may request written notification of the findings of the County Planning Director. If the review process is not completed within 60 days or in accordance with established review procedures for the type of development being considered, whichever is greater, the application is considered to be approved for the purposes of this article. Decisions of the County Planning Director may be appealed to the Decatur County Board of Appeals.

E. *Duration of permit validity.*

1. If construction described in the development permit has not commenced within 12 months from the date of issuance, the permit shall expire.
2. If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire 12 months after the date that work ceased.
3. Written notice of pending expiration of the development permit shall be issued by the Planning Director or designee.

**3.05.05 Aquifer protection standards**

- A. For all pollution susceptibility areas, new solid waste disposal facilities must have synthetic liners and leachate collection systems.
- B. New agricultural waste impoundments shall meet the following requirement: For areas of low susceptibility, a SCS approved liner shall be provided if the site exceeds 50 acre-feet.
- C. No land disposal of hazardous waste shall be permitted within any significant aquifer recharge area.
- D. For all significant aquifer recharge areas, the handling, storage, and disposal of hazardous materials must take place on an impermeable surface having spill and leak protection approved by the Georgia Department of Natural Resources, Environmental Protection Division (EPD).
- E. For all significant aquifer recharge areas, new aboveground chemical or petroleum storage tanks larger than 650 gallons must have secondary containment for 110 percent of tank volume or 110 percent of the largest tanks in a cluster of tanks.

### 3.05.06 Judicial review

- A. *Jurisdiction.* All final decisions of the County board of appeals concerning denial, approval, or conditional approval of a permit shall be reviewable in the Decatur County Superior Court pursuant to Chapter 7.
- B. *Alternative actions.* Based on these proceedings and the decision of the court, the County may, within the time specified by the court, elect to:
  - 1. Institute negotiated purchase or condemnation proceedings to acquire an easement or fee interest in the applicant's land; or
  - 2. Institute other appropriate actions ordered by the court that fall within the jurisdiction of the County.

### 3.05.07 Amendments

These regulations may, from time to time, be amended in accordance with procedures and requirements in the general statutes and as new information becomes available.

### 3.05.08 Assessment relief

Assessors and boards of assessors shall consider the requirements of these regulations in determining the fair market value of land.

## 3.06.00 SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL

### 3.06.01 Title

This article will be known as "The Decatur County Soil Erosion, Sedimentation and Pollution Control Ordinance."

### 3.06.02 Definitions

The following definitions shall apply in the interpretation and enforcement of this article, unless otherwise specifically stated:

***Best Management Practices (BMPs):*** These include 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.

***Buffer:*** For purposes of this chapter, 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 Georgia Soil and Water Conservation Commission.

***Commission:*** For purposes of this chapter, commission means the Georgia Soil and Water Conservation Commission (GSWCC).

***Director:*** For purposes of this chapter, the director of the Environmental Protection Division or an authorized representative.

***District:*** For purposes of this chapter, the Flint River Soil and Water Conservation District.

***Division:*** For purposes of this chapter, the Environmental Protection Division (EPD) of the Department of Natural Resources.

***Erosion, sedimentation and pollution control plan:*** A plan required by the Erosion and Sedimentation Act, O.C.G.A. Ch. 12-7, that includes, at a minimum, protections at least as stringent as the state general permit, Best Management Practices, and requirements in section 3.06.04.C.

***Final stabilization:*** All soil-disturbing activities at the site have been completed and for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100 percent of the soil surface is uniformly covered in permanent vegetation with a density of 70 percent or greater, or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) have been used. Permanent vegetation shall consist of: planted trees, shrubs, perennial vines; a crop of perennial vegetation 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.

***Local issuing authority:*** The governing authority of any county or municipality which is certified pursuant to O.C.G.A. § 12-7-8(a). At this time, Decatur County is not certified as a local issuing authority.

***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 colloiddally dispersed or suspended particles are present.

***Operator:*** For purposes of this chapter, 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; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control 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 erosion, sedimentation and pollution control plan or to comply with other permit conditions.

***Properly designed:*** Designed in accordance with the design requirements and specifications contained in the Manual for Erosion and Sediment Control in Georgia (manual) published by the Georgia Soil and Water Conservation 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 notice of intent 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 roadway consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

***State general permit:*** The National Pollution Discharge Elimination System (NPDES) general permit or permits for stormwater 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 USC 1251 et seq., and subsection (f) of O.C.G.A. § 12-5-30(f).

### 3.06.03 Exemptions

This article shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

- A. Surface mining, as the 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, fences, 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 plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. § 12-7-6 and this paragraph;

- E. Agricultural operations as defined in O.C.G.A. § 1-3-3, "definitions," to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including, but not limited to, chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aquaculture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;
- 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 buffer, as established in paragraphs 15 and 16 of section 3.06.04C, 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 years after completion of such forestry practices;
- G. Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;
- H. Any project involving less than one 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 acre or within 200 feet of the bank of any state waters, and 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; provided, however, that any person responsible for a project which involves less than one acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located;
- I. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the state road and 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 the Department of Transportation or the state road and tollway authority which disturb one 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 a notice of intent under the state general permit shall be submitted to the EPD;

- 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 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 is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit; and
- K. Any public water system reservoir.

**3.06.04 Minimum requirements for erosion, sedimentation and pollution control using Best Management Practices**

- A. General provisions. Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of this article and the NPDES general permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this article shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of section 3.06.04B and C. 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 ordinance and the NPDES general permit.
- B. Minimum requirements/BMPs.
  - 1. Best Management Practices as set forth in section 3.06.04B and C 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 paragraph 2 of this subsection or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act." As used in this subsection, 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).

2. 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-disturbing permit issued by a local issuing authority or of any state general permit issued by the division pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act," for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the director. This paragraph shall not apply to any land disturbance associated with the construction of single-family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five acres.
  3. Failure to properly design, install, or maintain Best Management Practices shall constitute a violation of any land-disturbing permit issued by a local issuing authority or of any state general permit issued by the division pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act," for each day on which such failure occurs.
  4. The director may require, in accordance with regulations adopted by the Board of Natural Resources, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.
  5. The local issuing authority may set more stringent buffer requirements than stated in section 3.06.04C.15 and 16, in light of O.C.G.A. § 12-7-6(c).
- C. 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:

1. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
2. Cut-fill operations must be kept to a minimum;
3. Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;
4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
5. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
6. Disturbed soil shall be stabilized as quickly as practicable;
7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
8. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
9. 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 paragraph, 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.;
10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
11. Cuts and fills may not endanger adjoining property;
12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
13. 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;

14. 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 beyond the levels specified in section 3.06.04B.2;
15. Except as provided in paragraph 16 of this subsection, there is established a 25-foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director pursuant to O.C.G.A. § 12-2-8, 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 specifications, and are implemented; or along any ephemeral stream. As used in this provision, the term "ephemeral stream" means a stream that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow. Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act," 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:

- a. 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

- b. The buffer 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: (i) stream crossings for water lines; or (ii) stream crossings for sewer lines; and

16. Reserved

- D. Nothing contained in O.C.G.A. § 12-7-1 et seq. shall prevent any local issuing authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in section 3.06.04B and C.
- E. 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 article or the terms of the permit.

3.06.05 Reserved

3.06.06 Inspection and enforcement

- A. The Decatur County Community Development Department will periodically inspect the sites of land-disturbing activities to determine if the activities are being conducted in accordance with this ordinance. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the provisions of this article, 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 article.
- B. The local issuing authority must amend its ordinances to the extent appropriate within 12 months of any amendments to the Erosion and Sedimentation Act of 1975.
- C. The Decatur County Community Development Department shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this article, 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.

- D. No person shall refuse entry or access to any authorized representative or agent of the county, the commission, the district, or 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.
- E. Reserved
- F. Reserved

### 3.06.07 Penalties and incentives

- A. Reserved
- B. *Stop-work orders.*
  - 1. For the first and second violations of the provisions of this article, the director or the county code enforcement officer shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the director or the county code enforcement officer 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, the director or the county code enforcement officer shall issue an immediate stop-work order in lieu of a warning;
  - 2. For a third and each subsequent violation, the director or the county code enforcement officer shall issue an immediate stop-work order; and
  - 3. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred;
  - 4. When a violation in the form of failure to maintain a stream buffer, or significant amounts of sediment, as determined by the county code enforcement officer or by the director or his or 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 county code enforcement officer or by the director or his or 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 sediment controls.

- C. Reserved
- D. *Monetary penalties.* Any person who violates any provisions of this article, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the director issued as provided in this article, shall be liable for a civil penalty not to exceed \$2,500.00 per day. Notwithstanding any limitation of law as to penalties which can be assessed for violations of County ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this article under County ordinances approved under this article 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.

### 3.06.08 Reserved

### 3.06.09 Administrative appeal judicial review

- A. *Administrative remedies.* The suspension, revocation, modification or grant with condition of a permit by the local issuing authority upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan; that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance shall entitle the person submitting the plan or holding the permit to a hearing before the board of appeals within 30 days after receipt by the local issuing authority of written notice of appeal.
- B. *Judicial review.* Any person aggrieved by a decision or order of the county board of appeals, after exhausting his administrative remedies, shall have the right to appeal to the Superior Court of Decatur County.

### 3.06.10 Validity and liability

- A. *Validity.* If any section, paragraph, clause, phrase, or provision of this article shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this article.
- B. *Liability.*
  - 1. Neither the approval of a plan under the provisions of this article nor the compliance with provisions of this article shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the 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 ordinance or the terms of the permit.

3. No provision of this article shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any waters of the state as defined thereby.

# CHAPTER 4

## SITE DESIGN STANDARDS

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## 4.00.00 GENERALLY

### 4.00.01 Purpose

The purpose of this chapter is to provide design standards applicable to all development activity within the County. This chapter also provides design standards applicable in specific situations, such as development of specific uses that require additional standards to address potential impacts.

### 4.00.02 Development standards in general

- A. *Suitability of land.* Land on which there is a danger to health, safety, or property should not be platted for residential use or other use that will continue or increase such danger when practicable, unless such hazards can be and are corrected. Examples of such conditions are as follows:
  - 1. Land subject to flooding, improper drainage, or erosion.
  - 2. Land with excessive slope or other physical constraints which make it unsuitable for development.
  - 3. Land with soils unsuitable for septic system installation or other adverse topographical features.
- B. *Name of subdivision.* The name of the subdivision must have the approval of the Planning Commission. The name must not duplicate or closely approximate the name of an existing subdivision.
- C. *Access.* Except where expressly provided herein, access to every subdivision must be provided over a public street, and every lot within a subdivision must be served by a publicly dedicated street or a private street approved by the Planning Commission.
- D. *Conformance with adopted land use plan.* Proposed subdivisions should conform with the adopted Decatur County Land Use Plan and development policies in effect at the time of submission to the Planning Commission. When features of the Decatur County Land Use Plan such as sites for schools, public buildings, parks, major streets, or other public uses are located in whole or in part in a proposed subdivision, such features should be either dedicated or reserved by the subdivider for acquisition within a reasonable time by the appropriate public agency.
- E. *Reservation or dedication of public use areas.*
  - 1. *Reservation of plan features.* Where the features of the Decatur County Land Use Plan such as sites for schools, public buildings, parks, major

streets, or other public uses are located in whole or in part in a proposed subdivision, such features must be reserved by the subdivider. However, no more than 10 percent of the total area of the subdivision will be required for reservation to fulfill this requirement. Whenever the land required for such plan features is not purchased, acquired, optioned, or condemned by the appropriate public agency within a two-year period from the date of recording of the subdivision or by the time that at least 75 percent of the lots are built on and occupied, whichever is sooner, the subdivider may claim the original reservation and subdivide it in a manner that meets the requirements of this ordinance. Whenever a public body responsible for land acquisition executes a written release stating that the reserved land is not to be acquired, the Planning Commission will waive the reservation requirements.

2. *Reservation omissions.* The Planning Commission will not approve a subdivision plat when features specified in the Decatur County Land Use Plan are not incorporated into the subdivision plat and the reservation requirements for such features have not been waived.
  3. *Unsuitable reservations.* Whenever the Planning Commission finds that a proposed reservation or dedication of land for public use is not suitable for such public use, it may require the rearrangement of lots to provide suitable land for public use.
  4. *Unnecessary reservations.* Whenever the Planning Commission finds that a proposed reservation or dedication of land for public use is not necessary, it may permit the rearrangement of lots to eliminate the area proposed for such public use.
- F. *Planned developments.* A planned development, including large-scale construction of housing units, streets, and off-street parking facilities, may be approved in accordance with the requirements for planned developments set forth in this ordinance. If the design of the project does not include standard streets, lots, or subdivision arrangements, departure from the normal requirements of this ordinance may be permitted if such deviations are consistent with the intent of this ordinance or are permitted in the requirements for planned developments set forth in this ordinance. If a planned development is to be phased, then each phase shall require a separate application and approval. The developer of such a proposal is urged to consult early with the Planning Commission to coordinate, plan, and plat properly.
- G. *Community assets.* In all subdivisions, due regard must be shown for all natural features such as large trees, watercourses, historical sites, and similar community assets which will add attractiveness and value to the property if preserved.

#### 4.00.03 Principles of site design and development

Development design shall first take into account the protection of environmental and natural resources as set forth in Chapter 3. All development shall be designed to avoid unnecessary impervious surface cover; to provide adequate access to lots and sites; and to avoid adverse effects of shadow, glare, noise, odor, traffic, drainage, and utilities on surrounding properties.

#### 4.00.04 Applicability

The design standards set forth in this chapter apply to all development in unincorporated Decatur County.

### 4.01.00 SITE DESIGN STANDARDS

#### 4.01.01 Development standards for subdivision lots

All subdivision lots established in Decatur County must comply with the development standards contained in this ordinance. Development standards for lots are as follows:

- A. *Lot lines.* As far as practical, side lot lines must be perpendicular or radial to street lines.
- B. *Jurisdictional limits and lot lines.* Subdivision lots must not be divided by city or County boundary lines.
- C. *Lot frontage arrangements.* Land must be subdivided in a manner that provides each lot in the subdivision with direct abutting access to an existing public street or to an approved private street contained within the proposed subdivision. Each lot must front for at least 60 feet upon an approved street or road. Flag lots are prohibited in subdivisions unless topographic conditions or the shape and orientation of the property to be subdivided make the inclusion of some flag lots necessary. Flag lots are not intended to provide access to other properties so as to circumvent the street and right-of-way requirements of this ordinance. When such a lot is allowed, the street frontage of each panhandle access must be at least 60 feet wide and no more than 500 feet long. No more than two such panhandle access points may abut each other or be closer than 1,000 feet apart. A flag lot is intended only to provide a means of using the rear portion of an extremely deep tract of land for residential purposes.
- D. *Adequate building sites.* Each subdivision lot must contain an adequate building site not subject to flooding, with sufficient area for an approved on-site sewage management system, and outside the limits of existing easements or building setback lines required by this ordinance or any existing ordinance as is appropriate.

- E. *Double or reverse frontage lots.* Double and reverse frontage lots, unless required by the Planning Commission, are prohibited except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of slope, orientation, or property size. A reserve strip planted with a vegetative screen across which there is no right of access may be required along the line of lots abutting a traffic artery or other such incompatible use.
- F. *Commercial and industrial lots.* Size, shape, and arrangement of commercial and industrial lots, where platted and classified as a subdivision, are subject to the approval of the Planning Commission.
- G. *Lot remnants.* Lot remnants are prohibited. Such remnant areas must be added to adjacent lots, rather than remain as unusable parcels.
- H. *Monuments.* Solid steel rods at least one-half inch in diameter or square and two feet long must be set at all street corners, at all points where street lines intersect the exterior boundaries of the subdivision, at angle points in streets, at points of curve in streets, and at points of change of direction in the exterior boundaries of the subdivision. The top of the monument must have an indented cross to identify the finished grade. All other lot corners must be marked with solid steel rods no less than one-half inch in diameter, and at least two feet long, driven so as to be flush with the finished grade.
- I. *Utility Easements.* Easements shall be provided for utilities to serve the subdivision, including gas, electric, water and sewer where applicable.

#### 4.01.02 Design standards for lots

The following regulations apply generally to all lots in the unincorporated area of the County, unless the regulations of a particular ordinance expressly provide otherwise.

- A. *Sight distance.* In order to ensure maintenance of adequate sight distances at intersections, no fence, wall, shrubbery, or other obstruction to vision between the heights of three feet and 15 feet above the ground is permitted within 20 feet of the intersection of the rights-of-way of streets or of streets and railroads.
- B. *Applicability to land, buildings, and open space.* No building, structure, land, or open space may be used or occupied — and no building or structure or part of a building or structure may be erected, constructed, reconstructed, moved, or structurally altered — unless in conformity with the development regulations.
- C. *Every use must be on a lot.* No building or structure may be erected or use established unless upon a lot.

- D. *Only one principal building per lot.* Only one principal building and its accessory buildings may be erected on any lot, except for planned developments or as otherwise provided.
- E. *Open space not to be encroached upon.* No open space may be encroached upon or reduced in any manner except in conformity with the setback, off-street parking spaces, and other such required development standards contained in this ordinance. Shrubbery, driveways, retaining walls, fences, curbs, and buffers are not considered to be encroachments of setbacks. Open space areas as required by this ordinance must be permanently maintained as open space in accordance with the requirements of this ordinance.
- F. *Reduction of setbacks or lot area.* Except as otherwise provided in this ordinance, a lot existing at the time of passage of this ordinance may not be reduced, divided, or changed as to produce a tract of land which does not comply with the minimum dimension or area requirements of this ordinance.
- G. *Lots with multiple frontage.* In the case of a corner lot or double frontage lot, front setback requirements apply to all lot lines abutting a street.
- H. *Landlocked lots.* In the case of a landlocked lot (a lot without direct access to a public street or road) lawfully existing as of the effective date of this ordinance, the property owner is entitled to one building permit, as long as all of the following requirements are met:
  - 1. No other principal building exists or is being constructed on the property.
  - 2. No other valid building permit has been issued prior to the effective date of this ordinance and is currently valid.
  - 3. The property was and continues to be under single ownership since the effective date of this ordinance.
  - 4. The property owner has acquired a 60-foot easement to a city-maintained, county-maintained, or state-maintained street or road, and the easement has been duly recorded and made a part of the property deed.
  - 5. All health department requirements must be met.
  - 6. In the event the property is divided, no additional permits will be issued.

Tracts of land which are accessible only by recorded easement may be divided one time only into no more than two lots when each new lot will be accessible by the recorded easement and shall in all other aspects comply with the

- requirements of this UDO. Any lot so created shall not be eligible for further division until such time as the lot has the required amount of road frontage.
- I. *Street frontage.* Except where expressly provided herein, no principal building may be erected on any lot which has less than 60 feet of immediate frontage on at least one public street.
  - J. *Setbacks and other spaces.* No part of a setback, other open space, off-street parking, or loading space required for another building may be included as a part of the setback, off-street parking, or loading space required for another building, except as specifically provided for in this ordinance.
  - K. *Substandard lots.* Any lot existing at the time of the adoption of this ordinance which has an area or a width which is less than required by this ordinance may be used for any legal use as long as all other requirements of this ordinance are met.
  - L. *Encroachment on public rights-of-way.* No building, structure, service area, required off-street parking, or loading/unloading facility is permitted to encroach on public rights-of-way.
  - M. *Physical design standards.* Minimum design standards for driveways, loading areas, and other such physical site improvements are contained in applicable development regulations of Decatur County. Consult that document for specific requirements.
  - N. *Off-street parking and service requirements.* Minimum standards for off-street parking and service requirements are contained in the Decatur County standard for off-street parking and service facilities [See Chapter 6].
  - O. *Other applicable development regulations.* Information concerning any other applicable development regulations may be obtained by consulting the Planning Director and the Decatur County Health Department.
  - P. *Signs.* Signs are permitted on all lots, subject to the regulations contained in the Decatur County sign regulations.

#### 4.01.03 Structure numbering

- A. Designation of street names and numbers

Streets now being maintained by the County and other public agencies within the unincorporated County shall in the future be named and numbered as now designated on the official map and official index of the County as amended by each implementing resolution. Every other street within the unincorporated

County shown on the official index shall hereafter be referred to as designated on the official index for structure numbering purposes.

B. Designation of structure numbers

The Planning Director shall keep a record of all numbers assigned under this section. Such records may be maintained in data processing storage systems if so desired. Structure numbers for dwelling units, places of business, industrial locations and all other structures and uses requiring same shall be assigned by:

1. The Planning Director in conjunction with the United States Postal Service during the implementation stage of the system; and
2. The Planning Director following the implementation phase of the system.

C. Posting of designated structure numbers

The owner, occupant or person in charge of any dwelling unit, structure or use to which a number has been assigned shall be notified in writing by the implementing agency of the number assigned to the same. Within sixty (60) days after receipt of such written notification, the owner, occupant or person in charge of any dwelling unit, structure or use to which a number has been assigned shall cause the same to be posted in either one (1) or two (2) locations depending on the following conditions:

1. If the mailbox is located on the same side of the street and adjacent to the driveway or curb cut, the number shall be affixed to the mailbox in letters two (2) inches in height or larger and of a color contrasting with the color of the mailbox. This section does not preclude an individual from also numbering the front entrance of the structure if so desired.
2. If the mailbox is not on the same side of the street and adjacent to the driveway or curb cut, the number shall be posted at two (2) locations:
  - a. On the mailbox as prescribed by U.S. Postal Service regulations; and
  - b. Either on the structure front if visible from the street or on an aboveground sign attached to a post or other object at the driveway or curb cut. The numbers shall be two (2) inches in height or larger and of a color contrasting with the color of the background. This section does not preclude an individual from also numbering the front entrance of his structure if so desired.

3. In the case that a building is served by two (2) or more driveways or curb cuts, the number shall be assigned and posted to the front entrance or driveway.
4. It shall be the duty of the owner, occupant or person in charge of the dwelling unit, structure or use, upon affixing the new number, to remove any different number which might be mistaken for or confused with the number assigned to the structure.
5. In such cases where the assigned number cannot be posted as required above, the number shall be posted as prescribed by the Planning Director after consultation with the owner.

D. Types of numbers

Two (2) types of numbers are used under this section:

1. A primary number to be assigned to each street frontage of each parcel of land, whether or not the parcel is occupied. The primary number is required to be posted only if the parcel is occupied by a dwelling unit, structure or active use and the owner, occupant or person in charge is notified under section 4.01.03C. Other primary numbers are reserved for future development of the numbered parcels and will be assigned at the time of development.
2. Secondary numbers may be used when a number of units, structures and uses coexist on the same parcel of land. Examples of parcels requiring secondary numbers include apartment projects, condominium projects, manufactured home developments, office parks, recreational vehicle parks, recreational areas, shopping centers and other uses where the use of secondary numbers would clarify the location of a unit or use for public safety purposes. To provide secondary numbers, the Planning Director shall work with the owner, manager, or person in charge of the project to determine a logical numbering system under the following guidelines:
  - a. Existing numbered units and uses shall retain the present set of addresses with only the primary number being changed if the primary number is not in sequence with the overall system.
  - b. Buildings on a single parcel with more than one and less than five units may be given a number designation as requested by the owner.

- c. A single building on a single parcel of land and with five or more units may be given numerical designations such as Suite 5, Apartment 5, etc., if so desired.
- d. Multiple buildings on the same parcel of land may be given secondary numbers consisting of number designations if the buildings are accessed from a main entrance to the project. Generally, the number designations should increase in a clockwise direction from the main entrance.
- e. Manufactured home developments, recreational vehicle parks, and similar uses shall be given number designations for lots or sections and number designations for individual lots or sites.

E. Exempt and excluded structures

Those structures that do not present a significant danger to human life if destroyed by fire or other events shall be excluded from the provisions of this section. The following structures shall be excluded from the provisions of this section:

- 1. Agricultural buildings not requiring a separate mailing address such as a barn, poultry house, outbuilding or equipment storage buildings. Buildings used as dwelling units, offices, or the normal work station of an employee shall not be exempt from the provisions of this section.
- 2. Storage and accessory buildings for the use of the occupant of another building on the property. Buildings used as dwelling units, offices, or the normal work station of an employee, or requiring a separate mailing address, shall not be exempt.

F. New structure and lots

- 1. Structure numbers will be assigned to each new lot, tract or building site on the original drawings of a final subdivision plat or other plan requiring the approval of the Building Official or by the planning and development department.
- 2. No building, electrical, plumbing or mechanical permit for any new, remodeled or repaired structure will be issued by the Building Official following the implementation of this section in the affected area of the County until the owner, developer or builder has procured from the Planning Director the official structure number or numbers. Final approval for a certificate of occupancy of any principal building erected or repaired, or use requiring such number, shall be withheld until

permanent and proper numbers have been displayed in accordance with the standards of this section.

G. Utility company compliance

Following the implementation of this section in any area of the County, all utility services regulated by the Georgia Public Service Commission or any utility cooperative service organization shall withhold service from any building until the owner or other requesting party has furnished the utility with a valid structure number.

**4.01.04 Setbacks**

For any new construction, and unless a specific section of this code provides a different setback for a particular use, the following setbacks shall apply:

- A. For primary structures, the minimum setback from the front lot line shall be 40 feet; the minimum setbacks for side and rear lot lines shall be 15 feet.
- B. For accessory structures, the minimum setback from side and rear lot lines shall be five feet.

**4.02.00 SUPPLEMENTAL STANDARDS FOR SPECIFIC USES**

**4.02.01 Bed and breakfast inn**

A structure which is a permitted bed and breakfast by the state of Georgia and which is used primarily as an owner-operated business for providing overnight accommodations to the public, even though the owner or manager may live on the premises. The number of guest rooms shall be ten (10) or fewer. The establishment shall not contain restaurant facilities, but may provide food service for transient guests only. The inn may host events such as weddings, small business meetings, etc.

**4.02.02 Recreational Vehicle Park**

Section 1. Definition; Permit required.

- A. For the purposes of this ordinance, the following terms are hereby defined as follows:

*Recreational vehicle* means a portable structure without permanent foundation that is towed, hauled or driven and is primarily designed as a temporary living accommodation.

*Recreational vehicle park* means any private lot or parcel upon which two or more sites are located, established or maintained for occupancy by recreational vehicles for a fee as temporary living quarters.

- B. No person or entity shall operate a new recreational vehicle park without first obtaining a permit required by this ordinance.
- C. This ordinance shall not prevent the continued operation of any recreational vehicle park existing legally as of the date of the adoption of this ordinance, but the expansion of the footprint of any such existing recreational vehicle park shall require that the park be brought into compliance with the minimum design guidelines. Existing recreational vehicle parks that do not meet the minimum design guidelines of this ordinance shall be registered by their owner(s) with the Planning Director or his designee within 60 days of the adoption of this ordinance. The registration form shall list all of the design standards that the park does not meet and those that it does meet. These recreational vehicle parks are deemed legal nonconforming uses, based upon their current configuration, and will continue as such until such time as any new or additional recreational vehicle spaces are added in excess of those existing at the time of adoption of this ordinance. These legal nonconforming recreational vehicle parks are not required to meet the minimum design guidelines unless new or additional recreational vehicle spaces are added to the park. No additional recreational vehicle spaces may be added to the recreational vehicle park without meeting the minimum design guidelines. Any further deviation from the minimum design guidelines shall require a variance.

Section 2. Permanent recreational vehicle parks.

- A. Permanent recreational parks shall require a permit issued by the Board of Commissioners, after review by the Planning Commission. For purposes of this ordinance, permanent recreational vehicle park means a recreational vehicle park that is not limited to three years or less of operation. Prior to issuance of such a permit, the Planning Commission and the Board of Commissioners shall each hold a public hearing subject to the procedures of this ordinance. The ultimate determination of whether or not to grant such a permit shall be determined by the standards of this ordinance.
- B. Procedures.
  - 1. Application and fee. Persons wishing to establish a permanent recreational vehicle park shall apply with the Planning Director and pay a fee of \$500.00 to cover the administrative cost of review of the application and publication of notice.
  - 2. Environmental Health Review. Prior to final decision on an application for a permanent recreational vehicle park, the application shall be submitted to the Decatur County Environmental Health

Department for review and approval of the septic and sanitation plan proposed for the development.

3. Notice. Prior to conducting a public hearing required by this ordinance, the Planning Director shall provide notice to the public. Signs shall be posted along the public rights-of-way adjacent to the subject property at least 30 days prior to the public hearing. A notice shall be placed in the legal organ, which shall run one time between 30 and 45 days prior to the public hearing. The notice sign and publication shall contain the following information: the purpose of the public hearing; the address or parcel number of the subject property; and the date, time and location of the public hearing. Written notice of the hearing shall be provided to the applicant at least 30 days prior to the hearing.
  4. Conducting the hearing. At public hearings required by this ordinance, the Planning Director or designee shall first present the application. Then, the applicant and any proponents of the application may speak, and shall be allowed at least 10 minutes. Then, any opponents to the application shall be allowed at least 10 minutes to speak in total. Equal time shall be provided to proponents and opponents of the application.
  5. Planning Commission recommendation. After conducting a public hearing, the Planning Commission should make a recommendation as to whether the application meets the criteria of this ordinance and should be approved, and whether any additional conditions would be appropriate if the application is approved. The matter should then be forwarded to the Board of Commissioners for its public hearing and final decision.
- C. Standards. When reviewing an application under this ordinance, the Planning Commission and Board of Commissioners should consider the following factors:
1. the existing uses of properties near the subject property;
  2. whether the proposed permanent recreational vehicle park will negatively impact the value, use and quiet enjoyment of nearby properties;
  3. whether the subject property has other economically viable uses;
  4. whether the public utilities and infrastructure are adequate to serve the proposed recreational vehicle park, and whether the proposed park would unduly burden the public infrastructure system;

5. whether the proposed recreational vehicle park plan adequately addresses public health, safety and welfare concerns. In considering this factor, the criteria of the County Environmental Health Department and those standards stated below in regards to temporary recreational vehicle parks should be considered; and
  6. whether the application meets the minimum design guidelines below.
- D. Minimum Design Guidelines. Applications for permanent recreational vehicle park permits shall include a site plan demonstrating compliance with the following minimum design standards.

*Minimum park size:* Two acres. The park must be on a single lot of record.

*Minimum park frontage/width:* 100 feet.

*Park minimum setbacks:*

1. Front yard: 40 feet.
2. Side yard: 30 feet.
3. Rear yard: 30 feet.

*Buffer.* As a part of the approved site plan and any written development plans, the Board of Commissioners may require buffer walls, fences and/or natural or planted buffers along the property lines of a proposed recreational vehicle park. RV park applicants are encouraged to propose through draft site plans and development plans, buffers which create separation between their proposed parks and neighboring property and uses. Existing natural buffers may be deemed appropriate by the Board of Commissioners. Fences and walls required to serve as a buffer shall be a minimum of six feet tall and opaque. All buffers shall be maintained and kept in good repair by the property owner. Vegetation shall be maintained and replaced as necessary to preserve the buffer's integrity.

*Visitor parking.* One visitor parking space, minimum, shall be provided for every five recreational vehicle sites/spaces or fraction thereof. Grouped parking spaces shall be within 150 feet of the recreational vehicle spaces served. Such parking shall be delineated on the approved site development plan.

*Recreational facilities.* An open space, recreation area of at least 5,000 square feet shall be provided in each recreational vehicle park containing 20 or fewer spaces. For every recreational vehicle space over 20, 150 square feet of open space minimum shall be added to the 5,000 square feet. Recreation equipment

and uses such as pools, spas, playgrounds, dog parks, picnic tables, pavilions, barbeques and a service building, including toilets, showers and laundry, may be located within the recreation area.

*Sanitation.*

1. A minimum of one toilet and one lavatory for each gender shall be provided for the exclusive use of the park occupants. An additional toilet (and one urinal in men's room) and lavatory for each gender shall be provided for each 10 sites or fraction thereof which is not provided with a water connection and a three-inch drain inlet for connection to a vehicle equipped with a toilet.
2. A minimum of one shower for each gender and one washer and dryer is required.
3. Trailer sanitation/dump stations, built to code and approved by the Department of Environmental Health and designed to receive the discharge of sewage holding tanks of self-contained vehicles, shall be installed in an accessible location in every recreational vehicle park in which there are any recreational vehicle sites not provided with drain inlets designed to receive the discharge of toilets. Trailer sanitation stations shall be provided on the basis of one station for each 100 sites or fraction thereof. Sanitary dump stations shall be screened from other activities by visual barriers such as fences, walls or natural growth and shall be separated from any recreational vehicle space by a minimum distance of 50 feet.
4. Trash dumpsters shall be located within 100 feet of every recreational vehicle site (or approved by Dept. of Environmental Health), but no closer than 50 feet and enclosed on all sides with a gated, solid wood or masonry enclosure, a minimum of six feet in height. Individual RV site trash cans, having regularly scheduled pickups, may substitute for this requirement.

*Recreational vehicle site/space design standards.*

1. Minimum site/space size: 500 square feet with a minimum width of 20 feet. A mix of sizes is suggested. No occupied recreational vehicle shall be located anywhere but in a recreational vehicle space and only one recreational vehicle shall be located within a single recreational vehicle space.
2. Separation: Sites/spaces shall be designed so as to maintain a minimum of 20 feet between recreational vehicles.

*Utilities and lighting.*

1. All utilities, including electrical power and telephone lines, shall be installed underground.
2. All roads, walkways, grouped parking and service areas shall be provided with lighting adequate to ensure the safety of vehicular and pedestrian traffic.

*Access and roads.*

1. Each site/space shall have direct, unobstructed access to an internal recreational vehicle park road, designed so as to permit the movement of recreational vehicles.
2. All interior recreational vehicle park roads shall be private roads, owned and maintained by the owner or operator of the recreational vehicle park. All roads shall be open for access at all times to the sheriff's department, other emergency and code enforcement personnel.
3. Recreational vehicle park roads shall be surfaced with suitable, dustless material such as crushed rock or asphalt and be 12 feet wide for one-way streets and 22 feet wide for two-way streets.

- E. Appeal. Any person dissatisfied with the decision of the Board of Commissioners in regards to an application may appeal to the Superior Court of Decatur County in the time and manner provided by law.

Section 3. Temporary recreational vehicle parks.

- A. Recreational vehicle parks may be established temporarily with a permit from the Decatur County Planning Director. Permits for temporary recreational vehicle parks shall be valid for a period of no longer than three years from issuance of the permit. Issuance of a temporary permit shall not create a vested right to continue operation of a recreational vehicle park beyond the period for which the permit is established. No recreational vehicle park that is established as a temporary recreational vehicle park may continue operation after three years from the issuance of the temporary recreational vehicle park permit without obtaining a permanent recreational vehicle park permit.
- B. A person seeking to operate a temporary recreational vehicle park shall make application with the Planning Director, and shall pay a fee in the amount of \$100 to cover administrative costs. The Planning Director shall review and approve the application in consultation with the Decatur County

Environmental Health Department. The application shall include a scaled site plan (1/4" = 1') which at minimum shows lot dimensions and property lines, setbacks from property lines, proposed recreational vehicle spaces, spacing between recreational vehicles, location of proposed utilities (electrical, water, sewer connections), proposed drives, septic tank and well locations, and shall demonstrate compliance with the following criteria.

C. Temporary recreational vehicle parks shall be reviewed and approved based upon the following criteria:

1. The application shall state the proposed time for the operation of the temporary recreational vehicle park, which shall be no longer than three years, and shall state the applicant's agreement that the facility and use will be voluntarily discontinued at the end of that period. At the conclusion of the permitted period, all utilities that were installed to support the temporary recreational vehicle park must be removed from the property unless a new approved use is proposed by the property owner that will use the installed utilities.
2. Setbacks from property lines:  
  
Front: 40 feet.  
  
Side and Rear: 15 feet.
3. Gravel drives 20 feet in width and parking areas shall be installed using crushed concrete, asphalt shavings, type 57 gravel, or similar material.
4. Recreational vehicles must be owned and occupied by the temporary resident of the park. Recreational vehicles shall not be used as rental homes.
5. A six-foot privacy fence is required when bordering a residential property with a habitable dwelling within 150 ft. of the location of any recreational vehicle within the park.
6. One entrance shall be provided for every 50 recreational vehicle parking spots, or fraction thereof. The entrances must abut a public road; easement access through private properties shall not be permitted.
7. Each recreational vehicle park space shall be clearly marked with a number that meets the requirements for 911 address numbers so emergency services can respond efficiently when required.

8. For properties served by individual wells and septic systems, the maximum daily sewage flow is 600 gallons per day per 1.5 acres. For property served by public water and septic systems, the maximum daily sewage flow is 1,200 gallons per day per 1.5 acres.
  9. Individual wells serving 15 or more connections, or 25 or more people, 60 days out of the year will be referred to the Georgia Environmental Protection Division for review and permitting as a public water system. An individual well will not be acceptable for permitting such a facility.
  10. Where the recreational vehicle park is not located on public sewer, the maximum number of recreational vehicles allowed shall be one unit per 16,335 square feet of park area. This is based upon the estimated daily sewage flow of 150 gallons per day per recreational vehicle space.
  11. Where more than 13 recreational vehicle spaces will be provided, an engineer-designed and approved septic system is required.
  12. For recreational vehicle parks using an existing septic system, the maximum number of recreational vehicle spaces shall be based upon the existing septic system design (tank size and drainfield size). The tank will be required to be pumped or uncovered and inspected prior to issuance of the permit.
  13. Properties with no existing septic system will require a soils evaluation by a soil scientist prior to issuance of the permit to ensure that the soils are suitable for the required septic system.
  14. Trash dumpsters shall be located within 100 feet of every recreational vehicle site (or approved by Dept. of Environmental Health), but no closer than 50 feet and enclosed on all sides with a gated, solid wood or masonry enclosure, a minimum of six feet in height. Individual RV site trash cans, having regularly scheduled pickups, may substitute for this requirement.
- D. Appeal. Any person dissatisfied with the decision of the Planning Director in regards to a temporary recreational vehicle park permit may appeal to the Board of Commissioners by filing a written request with the County Clerk within 30 days of the written decision of the Planning Director. The Board of Commissioners shall consider the appeal at a public meeting within 60 days of the filing of the appeal, and shall be limited to determining whether the application satisfied the criteria in this section. Any person dissatisfied with the determination of the Board of Commissioners may appeal to the Superior Court of Decatur County in the time and manner provided by law.

Section 4. Permanent residency prohibited.

It is the intent of this ordinance that occupancy of recreational vehicles in temporary or permanent recreational vehicle parks only be temporary in nature. No recreational vehicle in a recreational vehicle park may be used to established permanent domicile. The length of stay in any permanent recreational vehicle park is limited to a maximum of 180 days in any 12-month period. Moving to another space in the same recreational vehicle park does not reset the 180-day clock.

Section 5. Enforcement and Appeals.

- A. Any violation of this ordinance shall be grounds for issuance of citation to the magistrate court of Decatur County.
- B. Operation of a recreational vehicle park in violation of this ordinance is declared to be a nuisance, which may be enjoined or abated in the manner provided by general law.
- C. Any person holding a temporary recreational vehicle permit who fails to discontinue use at the end of the temporary permit period shall be in violation of this ordinance, and shall be subject to citation for each day that the park remains in operation after the permit expires. Operation of or failure to decommission a recreational vehicle park after the expiration of the temporary permit shall be a nuisance, which may be enjoined or abated as provided by general law.

**4.02.03 Garage, repair**

A public garage intended to be used to make major commercial automobile, motorcycle, lawn mower, or other motor vehicle repairs; such a use should meet the following development standards as well as all other applicable regulations:

- A. All body work and painting must be conducted within a fully enclosed building.
- B. No open storage of junked or wrecked vehicles, dismantled parts, or supplies visible beyond the premises is permitted.

**4.02.04 Personal care home**

A building or group of buildings, a facility, or place in which is provided two or more beds and other facilities and services, including rooms, meals, and personal care for nonfamily ambulatory adults. It otherwise complies with the rules and regulations contained in chapter 290-5-35: Personal Care Homes (Rules of the Georgia Department of Human Resources). For the purpose of this ordinance, personal care homes are classified as follows:

- A. *Family personal care home*: A home for adults in a family-type residence, noninstitutional in character, which offers care to two through six persons.
- B. *Group personal care home*: A home for adult persons in a residence or other type building(s), noninstitutional in character, which offers care to seven through 15 persons.
- C. *Congregate personal care home*: A home for adults which offers care to 16 or more persons.

#### 4.02.05 Commercial Race Tracks and Race Training Facilities

- A. Race tracks and persons and entities subject to this section. This section shall apply to any commercial race track which, for the purpose of this ordinance, shall be defined as any race track which provides for the racing of motor vehicles of any kind, including all-terrain vehicles and motorcross, and at which drivers or racing teams are compensated or awarded prizes, or at which members of the audience must purchase a ticket or pay some other entry fee. The requirements and restrictions of this ordinance shall apply to the operator of any such race track and also drivers of motor vehicles operated at such race tracks.
- B. Hours of operation. No commercial race track shall conduct any race except during the hours of 8:00 a.m. to 10:00 p.m. on Sunday through Thursday and 8:00 a.m. to 11:00 p.m. on Fridays and Saturdays, unless other hours are expressly approved by the Board of Commissioners. No driver of any vehicle raced or intended to be raced at any commercial race track shall operate the vehicle at such race track outside the hours of operation in any race.
- C. Noise restriction. It shall be a violation of this ordinance for any person or entity to conduct a race or any other operation at a commercial race track, or operate at a commercial race track a vehicle intended for racing, outside the hours of operation where such activity causes any noise plainly audible outside the boundaries of the property on which the commercial race track is located. For the purposes of this provision, if the operator of the commercial race track allows racing vehicles to remain on the premises and to be operated in any manner (including driving, revving the engine, spinning the tires or any other use of the vehicle) which causes noise in violation of this subsection, the operator of the commercial race track will be deemed to be operating the commercial race track in violation of this subsection.

#### 4.02.06 Shooting range, indoor

These are facilities where firing ranges are located only inside buildings. In order for an indoor shooting range to be established in Decatur County, Georgia, it must comply with the following requirements:

- A. Buildings housing firing ranges must be constructed to prevent the escape of bullets and also constructed with sound-proofing or setbacks such that no sound of the discharge of firearms is audible at the property line.
- B. A site plan shall be submitted with the building permit application showing all facilities and construction standards, processes, and materials necessary to comply with the requirements of this definition.

#### **4.02.07 Shooting range, outdoor**

These are any facilities where outdoor firing of firearms is performed on a commercial basis (i.e., requires a fee or membership). In order for an outdoor shooting range to be established in Decatur County, Georgia, it must comply with the following requirements:

- A. Minimum lot size: 100 acres.
- B. A 200-foot vegetated buffer shall be required for all sides of the property abutting residential or commercial areas.
- C. Firing ranges for rifles and pistols should be oriented so that firing is not directed towards any residential property within 2,000 yards from the firing line that is touching an arc width of 20 degrees, centered on the axis of firing (that is, within 10 degrees of either side of said axis); ranges for shotgun use, including sporting clays, skeet, trap and five stands are not subject to this requirement.
- D. All portions of any firing range (for pistol and rifle ranges, this is defined as the area from the firing line to the target backstop or berm, for the width of the shooting lanes; for ranges for shotgun use, including sporting clays, skeet, trap and five stands, this is defined as the area from the firing stations to a distance 100 yards from the firing stations in the direction of fire) must be located at least 1,000 feet from all property lines.
- E. Hours of firing shall be limited to between 10:00 a.m. and 6:00 p.m., Monday to Saturday. No firing is permitted on Sunday.
- F. A site plan shall be submitted with the special use application showing all facilities and ranges, the direction of firing, all residential property within 2,000 yards of the property boundaries, and all buffers and distances.

#### **4.02.08 Fences and screening of junkyards and related uses**

Junkyards, salvage yards and recycling centers shall be fenced and screened from view from public roads and adjacent properties in the following manner:

- A. *Fencing.* Commercial grade fencing at least eight feet in height measured from the ground shall fully secure all portions of the property in which junk, salvage or recyclable materials are stored or processed. The fencing shall be shown on any initial application for a junkyard, salvage yard or recycling center.
- B. *Screening.* A screen shall be in place which completely screens all portions of the property in which junk, salvage or recyclable materials are stored or processed from the public right-of-way and adjacent properties. Screen may be accomplished by opaque fencing or vegetation; however, the screen must fully and effectively conceal such portions of the property and any junk or salvage or recyclable materials on a year-round basis. A plan for screening shall be submitted to the community development department accompanied by an application for an initial permit and shall be in sufficient detail to demonstrate compliance with said permit.

#### 4.02.09 Kennel

The housing for four or more dogs, cats, or other domestic animals for the purpose of providing an income or revenue. Kennels of a commercial nature must meet the following development standards: All structures must be set back 200 feet from all property lines and have a waste disposal plan approved by the County Health Department.

#### 4.02.10 Landfills and solid waste disposal facilities

- A. Permitted landfills/disposal facilities are classified into three types: 1) inert waste landfills; 2) construction and demolition (C & D) landfills; and 3) municipal solid waste (MSW) landfills. Each type of landfill is defined below. Landfills are permitted as a special use. Please see industrial use ordinance. In the event a solid waste disposal facility is sought to be constructed that is not covered specifically herein, the Planning Director shall make a determination as to what use it is most closely related to and apply the relevant regulations. This section incorporates by reference the definitions contained in O.C.G.A. § 12-8-22 and the regulations of the Georgia Department of Natural Resources pertaining to solid waste management.
- B. *Types of disposal facilities:*
  - 1. "Inert waste landfill" means 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, rocks, bricks, yard trimmings, stumps, limbs, and leaves. This definition excludes industrial and demolition waste not specifically listed above.

2. "Construction/demolition waste landfill" means a disposal facility accepting only 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, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material, and other nonputrescible wastes which have a low potential for groundwater contamination.
3. "Municipal solid waste landfill" means any facility or location where the final disposal of any amount of municipal solid waste occurs, whether or not mixed with or including commercial or industrial solid waste, and includes, but is not limited to, municipal solid waste landfills and municipal solid waste thermal treatment technology facilities. "Municipal solid waste" means any solid waste derived from households, including garbage, trash, and sanitary waste in septic tanks and means solid waste from single-family and multi-family residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term includes yard trimmings, construction or demolition waste, and commercial solid waste but does not include solid waste from mining, agricultural, or silvicultural operations or industrial processes or operations.
4. "Hazardous waste disposal facility." Hazardous waste landfills are prohibited, and hazardous waste (which means any solid waste which has been defined as hazardous waste in regulations promulgated by the Board of Natural Resources) may not be disposed of in inert, construction/demolition, or solid waste landfills.

C. *Regulations applying to C & D and MSW landfills/disposal facilities.*

1. Any C & D or MSW landfill/disposal facility must be located on a minimum of 250 acres. The landfill "cell" area (that is, holding actual waste) may not exceed 30 percent of the total acreage, with landfill operations areas (i.e., "cells" plus scales, offices, storage, other buildings, etc.) not exceeding 40 percent. No landfill cell may exceed 60 feet in height from the original grade, when fully filled and covered. No more than 10 acres of the property can be active landfill cell at any one time.
2. All landfill cell areas and landfill operations areas must be surrounded by a chain-link fence at least six feet high and topped with anti-climbing devices.
3. All C & D and MSW landfills must be surrounded by a buffer at least 1,000 feet thick, located on the landfill property. The buffer must be

sufficiently vegetated to be completely opaque and prevent viewing of any landfill cell at all times of the year from adjacent properties.

4. No landfill cell may be located within 2,000 feet of any residential dwelling or drinking-water well existing at the time of application for the permit. No landfill cell may be located within 250 feet of a wetland, groundwater recharge area, lake or other body of water, floodplain, stream or river.

D. *Regulations applying to inert landfills.*

1. Any inert landfill must be located on a minimum of 50 acres. The landfill "cell" area (actual waste disposal area) may not approach within 100 feet of the property line. No landfill cell may exceed 30 feet in height from the original grade, when fully filled and covered.
2. All landfill cell areas and landfill operations areas must be surrounded by a chain-link fence at least six feet high and topped with anti-climbing devices.
3. All inert landfills must be surrounded by a vegetated buffer at least 100 feet thick, located on the landfill property. The buffer must be sufficiently vegetated to be completely opaque and prevent viewing of any landfill cell at all times of the year from adjacent properties.

E. *Regulations applying to all landfills and disposal facilities.*

1. All lights at landfill/disposal facilities shall be downward firing and shielded. Unless the Board of Commissioners specifically approves otherwise, hours of operation of any landfill shall be no greater than 8:00 a.m. to 5:00 p.m. Monday to Friday, 8:00 a.m. to 4:00 p.m. Saturday, and no operation allowed on Sunday.
2. A landfill/disposal facility shall only be permitted where all County roads used for access have been built to a standard sufficient to withstand the projected number of trips per day at maximum weight for the vehicles expected. If a landfill is proposed adjacent to County roads that are not sufficient, according to the County engineer, to withstand the loads, or were not designed for such loads, the landfill owner may pay to bring such roads up to standard from the entrance(s) of the landfill to the nearest County or state road of sufficient strength; or the landfill shall be denied. Truck traffic shall be restricted to roads of sufficient strength.

- F. An application for a special use permit for a landfill shall also submit the following information, and any other information required by the ordinances of the County:
1. A topographic site plan showing the proposed landfill, all surrounding uses in a one-half-mile radius from the boundaries of the subject property, the location of the landfill cells, all buffers and fences, highlighting land sloping 25 percent or more, and showing such other information as may be required by the Planning Director.
  2. Proximity to airports, private airstrips and similar uses within 10 miles shall be indicated. Proximity to national historic sites within five miles shall be indicated.
  3. A report from a geologist of the soil conditions on the landfill, discussing the topography (especially any steep slopes), the substrata, and any geologic hazards or relevant conditions on the property, as well as giving an opinion as to the property's suitability for the type of landfill proposed.
  4. A site plan prepared by a qualified engineer depicting all floodplains, streams and rivers, watershed areas, wetlands, and groundwater recharge areas within one-half mile of the subject property (including on the subject property), as well as showing the location of the landfill and the landfill cells to those features, showing all buffers and setbacks. The plan shall also depict all water wells within one-half mile of the landfill cells.
  5. A plan showing access, ingress and egress, including mechanisms to keep dust down and dirt off County roads. All access roads to landfill cells must be paved, and a truck cleaning station must be used at any exit. An estimate of daily truck traffic shall be provided, and entrances shall be located to minimize traffic hazards, with accel/decel lanes provided.
  6. A traffic plan showing ingress and egress, number of trips per day, vehicle type, and maximum weight of vehicles expected.
  7. A determination of plan consistency obtained under the solid waste management plan for Decatur County demonstrating that the landfill is consistent with the plan.
- G. In addition to the special use criteria in this code, in considering a special use application for a landfill, the following additional criteria shall also apply:

1. Is the property and general area suitable for a landfill, considering geography, wetlands, streams and rivers, watersheds, groundwater recharge areas, adjacent uses, airports, national historic sites, jurisdictional boundaries and similar criteria?
2. Do the property and site plan meet all the buffer requirements relating to landfills?
3. Will the landfill have any negative impacts on the adjacent properties?
4. Are access, ingress and egress adequately provided for, considering the volume of traffic expected?
5. Is the use consistent with the Decatur County Comprehensive Plan, the pattern of development in the area, and the solid waste management plan?

#### **4.02.11 Nursing home**

A facility which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision. It maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has a satisfactory agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the home. It otherwise complies with the rules and regulations contained in chapter 290-5-8: Nursing Homes (Rules of the Georgia Department of Human Resources). Nursing homes must meet the following development standards:

- A. Must be located on an arterial street/road.
- B. All buildings must be placed at least 50 feet from any property lines.
- C. A buffer must be maintained along the side and rear property lines.

#### **4.02.12 Gas station**

Gas stations shall meet the following development standards:

- A. All structures, including underground storage tanks, must be placed at least 30 feet from any property line.
- B. Curb cuts must be located at least 15 feet from the intersection of street lines.
- C. No outside storage is permitted.

**4.02.13 Nursery school or day care center**

Where a nursery school or day care center is operated, it shall meet the following development standards:

- A. At least 200 square feet of outdoor play area must be provided.
- B. At least 35 square feet of indoor space per child must be provided.
- C. Outdoor play areas must be enclosed by a fence at least six feet high.

**4.02.14 Nursery school or kindergarten**

Where a nursery school or kindergarten is operated, it shall meet the following development standards:

- A. Must have at least 150 square feet of outdoor play area for each child.
- B. The outdoor play area must be enclosed by a wovenwire fence at least four feet high, the bottom of which must be either flush with the ground or with a masonry footing.

**4.02.15 Recovered materials processing facilities and solid waste handling facilities**

- A. Recovered materials processing facilities and solid waste handling facilities (referred to in this section as "facility") are permitted as a special use.
- B. "Recovered materials processing facility" means a facility engaged solely in the storage, processing, and resale or reuse of recovered materials; also known as a "recycling facility." Such definition shall not include a solid waste handling facility; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste. "Solid waste handling facility" means any facility (including a composting facility), the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste. "Recovered materials" means those materials which have known use, reuse, or recycling potential; can be feasibly used, reused or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing. "Recycling" means any process by which materials which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.
- C. Any materials recovery facility must be located on a minimum of 250 acres. The active waste handling area (that is, an area for handling, storing,

- collecting, processing, treating, etc. waste) may not exceed 40 percent of that acreage.
- D. The boundary of the facility property (either inside or outside the vegetated buffer) must be surrounded by a wooden privacy fence, at least eight feet high. Any active waste handling area must be surrounded by a chain-link fence at least six feet high and topped with anti-climbing devices.
  - E. All facilities must be surrounded by a vegetated buffer at least 1,000 feet thick, located on the property. The buffer must be sufficiently vegetated to be completely opaque and prevent viewing of any waste handling area at all times of the year. At least 500 feet of the buffer must be vegetated, even if plantings are required; the planting plan shall be approved by the Planning Director.
  - F. No waste handling area (as measured from the chain-link fence boundary) may be located within 2,000 feet of any residential dwelling (so used at the time of the application). Waste handling areas may not be located within 250 feet of a wetland, groundwater recharge area, lake or other body of water, floodplain, stream or river.
  - G. All lights at a facility shall be downward firing and shielded. Hours of operation of any facility shall be no greater than 8:00 a.m. to 5:00 p.m. Monday to Friday, 8:00 a.m. to 4:00 p.m. Saturday. No operation allowed on Sunday.
  - H. In addition to the special use criteria in Chapter 7, in considering a special use application for a facility, the following additional criteria shall also apply:
    - 1. Is the property and general area suitable for a facility, considering geography, wetlands, streams and rivers, watersheds, groundwater recharge areas, adjacent uses, airports, national historic sites, jurisdictional boundaries and similar criteria?
    - 2. Do the property and site plan meet all the buffer requirements relating to facilities?
    - 3. Will the facility have any negative impacts on the adjacent properties?
    - 4. Are access, ingress and egress adequately provided for, considering the volume of traffic expected?
    - 5. Is the use consistent with the Decatur County Comprehensive Plan, the pattern of development in the area, and the applicable solid waste management plan?
  - I. When not in operation, vehicles used to haul waste may only be parked at a solid waste handling facility.

#### 4.02.16 Utility substation

Utility substations shall meet the following development standards:

- A. Structures must be placed at least 30 feet from all property lines.
- B. Structures must be enclosed by a wovenwire fence at least eight feet high with bottom of fence either flush with the ground or with a masonry footing.
- C. No vehicles or equipment may be stored on the lot.
- D. A buffer must be maintained along the side and rear property lines.

#### 4.02.17 Manufactured homes

- A. Purpose. The purpose of this ordinance is to ensure that manufactured homes are installed on a site according to applicable federal and manufacturers' requirements; that manufactured homes are architecturally compatible with single-family residences and other land uses in Decatur County currently and consistent with the Board of Commissioners' vision for future development in Decatur County; and that pre-owned manufactured homes are in a safe and sound condition when they are relocated into Decatur County.

- B. Definitions. The following definitions apply to the words used in this section:

Applicant: Any person seeking to install a pre-owned manufactured home in the unincorporated area of Decatur County.

Architectural features: Ornamental or decorative features attached to or protruding from an exterior wall, including cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

Bay window: A window assembly whose maximum horizontal projection is not more than two feet from the vertical plane of an exterior wall and is elevated above the floor level of the home.

Compatibility: With regard to buildings, compatibility means achieving harmony in appearance of architectural features in the same vicinity.

Dormer: A window projecting from a roof.

Eave: The projecting lower edges of a roof overhanging the wall of a building.

Install: To construct a foundation system and to place or erect a manufactured home on such foundation system. Such term includes, without limitation, supporting, blocking, leveling, securing, or anchoring such manufactured home and connecting multiple or expandable sections of such manufactured home.

Jurisdiction: The unincorporated area of Decatur County, Georgia.

Pre-owned manufactured home: Any manufactured home that has been previously used as a residential dwelling and has been titled.

C. Installation permit.

1. No manufactured home shall be installed on any site without first obtaining an installation permit. An installation permit shall not issue unless the Building Official determines that:
  - a. The site meets the requirements of this UDO for the location of manufactured housing;
  - b. The manufactured home complies with federal and state requirements applicable to manufactured housing; and
  - c. The manufactured home, once installed, will comply with the provisions of this ordinance.

D. Installation requirements.

1. Hauling mechanisms removed. The transportation mechanisms, including wheels, axles, and hitch, must be removed prior to occupancy.
2. Installation regulations. The manufactured home shall be installed in accordance with the installation instructions from the manufacturer, as appropriate.
3. Approved septic system. Each manufactured home shall be connected to a public sanitary sewer system, community sewerage system, or on-site septic system with capacity available as approved by the health officer.
4. Skirting. The entire perimeter area between the bottom of the structure of each manufactured home and the ground, including stairways, shall be underpinned with skirting that completely encloses the perimeter of the undercarriage and attached stairways except for proper ventilation and access openings. Skirting shall be installed within 30 days of final inspection.
5. Exterior finish. The exterior siding of the manufactured home shall consist of wood, hardboard, or vinyl siding material.

6. Roof pitch and materials. The manufactured home shall have a pitched roof with a slope of at least four feet in height for each 12 feet in width. Roof materials shall be wood shake, tile, or asphalt shingle material.
7. Porch. A 3 ft. x 3 ft. porch or deck shall be provided facing the front yard or street prior to occupancy.
8. Additional architectural features. The manufactured home shall contain eaves with a minimum projection of six inches, window shutters, and at least one additional architectural feature such as dormers, bay windows, or another architectural feature that will provide equal compatibility with surrounding residences and land uses, as approved by the Building Official.
9. Yard. Each newly installed manufactured home shall be located so that there is an unshared yard adjacent to the structure that is at least 5,000 square feet.
10. Buffer. No manufactured home shall be located closer than 15 feet from the property line of an adjacent property.

E. Legal nonconforming manufactured homes.

Legal nonconforming manufactured homes existing prior to the date of this ordinance may remain in use without complying with this ordinance; however, whenever a legal nonconforming manufactured home is replaced with a manufactured home, the replacement home shall comply with this ordinance. Whenever a nonconforming manufactured home falls into such a state of disrepair that it is found to be uninhabitable, it shall be brought into compliance with this ordinance or removed.

F. Mobile homes.

No mobile homes, defined as units constructed prior to June 15, 1976, shall be allowed within the unincorporated area of Decatur County. Only manufactured homes constructed to the Federal Manufactured Home Construction and Safety Standards governed by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, 42 U.S.C. 5401, et seq. shall be permitted to be installed or relocated within the jurisdiction. Pre-owned manufactured homes relocated into Decatur County must comply with the provisions of this ordinance.

G. Pre-owned manufactured homes.

In addition to the other requirements of this ordinance, the relocation and installation of pre-owned manufactured homes shall be subject to the following health and safety standards and conditions and inspection program.

1. Relocation permit. A permit shall be required to locate a pre-owned manufactured home in the jurisdiction. To obtain a relocation permit, applicants shall provide to the Building Official:
  - a. An affidavit signed by the applicant that the pre-owned manufactured home meets health and safety standards required by this ordinance;
  - b. Photographs of the interior and exterior of the pre-owned manufactured home providing evidence that the home meets the minimum health and safety standards of this ordinance; and
  - c. The permit and inspection fee required by subsection 3. of this section.
2. Inspection. Upon receipt of a relocation permit, applicants may relocate the manufactured home onto a permitted residential site for the purposes of inspection. Applicant shall arrange for an inspection to be held prior to the installation of the manufactured home. At such time as the Building Official certifies that the manufactured home meets the requirements of this ordinance, applicants may install the manufactured home in accordance with the requirements of this ordinance.
3. Fee. A permit and inspection fee in an amount set by the Board of Commissioners shall be charged to the applicant to cover the cost to process the permit application and inspect the pre-owned manufactured home. Such fee shall cover the initial inspection and one follow-up inspection. The applicant shall be charged an additional amount set by the Board of Commissioners for each additional follow-up inspection that may be necessary.
4. Alternative inspection. At the request of the applicant, the Building Official may, at his or her discretion, inspect a pre-owned manufactured home prior to its being relocated if the home is then located at another site within Decatur County or within a convenient distance of Decatur County. In the event that the Building Official travels outside of Decatur County to inspect a pre-owned manufactured home, applicant shall pay mileage at the then-applicable federal reimbursement rate

from the office of the Building Official, to the site of the inspection, and back to the office of the Building Official.

5. Rehabilitation. At the request of the applicant, and where the Building Official finds that rehabilitation of a pre-owned manufactured home that does not meet the health and safety standard of this ordinance can be accomplished in a reasonably short period of time and without causing any detriment to the neighborhood where the pre-owned manufactured home will be relocated in the jurisdiction, the Building Official may issue the relocation permit and delay inspection for a period of up to 45 days to allow for rehabilitation after the pre-owned manufactured home has been relocated into the County. The Building Official shall not grant such request unless the applicant presents satisfactory evidence of a feasible rehabilitation plan. The pre-owned manufactured home shall not be connected to utilities until the inspection is performed.

H. Minimum health and safety standards.

All pre-owned manufactured homes shall comply with the following health and safety standards:

1. HUD Code. Every pre-owned manufactured home located in the jurisdiction shall be in compliance with the Federal Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. 5401-5445 (the HUD Code) and shall not have been altered in such a way that the home no longer meets the HUD Code.
2. Interior condition. Every floor, interior wall, and ceiling of a pre-owned manufactured home shall be in sound condition. Doors and windows shall be operable, watertight and in good working condition. The floor system shall be in sound condition and free of warping, holes, water damage, or deterioration.
3. Exterior condition. The exterior of all pre-owned manufactured homes 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 occupied spaces. The exterior siding shall be free of rot and rust. 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.
4. Sanitary facilities. Every plumbing fixture, water, and waste pipe of a pre-owned manufactured home shall be in a sanitary working condition when properly connected and shall be free from leaks and obstructions.

Each home shall contain a kitchen sink. Each bathroom shall contain a lavatory and water closet. At least one bathroom shall contain a tub and/or shower facilities. Each of these fixtures shall be checked upon being connected to ensure they are in good working condition.

5. Heating systems. Heating shall be safe and in working condition. Un-vented heaters shall be prohibited.
  6. Electrical systems. Electrical systems (switches, receptacles, fixtures, etc.) shall be properly installed and wired and shall be in working condition. Distribution panels shall be in compliance with the approved listing, complete with required breakers, with all unused openings covered with solid covers approved and listed for that purpose. The home shall be subject to an electrical continuity test to assure that all metallic parts are properly bonded.
  7. Hot water supply. Each home shall contain a water heater in safe and working condition.
  8. Egress windows. Each bedroom of a manufactured home shall have at least one operable window of sufficient size to allow egress if necessary, which shall have a net clear opening that is a minimum of 5 square feet in area, 24 inches in height, and 20 inches in width. The opening shall have a sill height of not more than 44 inches above the floor. The opening shall be operational from the inside of the room without the use of keys, tools or special knowledge.
  9. Ventilation. The kitchen in the home shall have at least one operating window or other ventilation device.
  10. Smoke detectors. Each pre-owned manufactured home shall contain one operable battery-powered smoke detector in each bedroom and in the kitchen, which must be installed in accordance with the manufacturers' recommendations.
  11. State law and regulations. Each pre-owned manufactured home shall be installed in compliance with the requirements of Georgia law, O.C.G.A. § 8-2-160 et seq., and the rules and regulations adopted pursuant to that law, as they may be amended from time to time.
- I. Enforcement.
1. Permanent connection to utilities shall not be approved until the Building Official has issued an installation permit.
  2. Owners of pre-owned manufactured homes that are not in compliance with this ordinance upon a third inspection shall have their permit

revoked and shall be required to remove the home from the jurisdiction at their own expense.

3. Failure to remove a pre-owned manufactured home from the jurisdiction upon failure to receive a relocation permit shall be punishable by a fine of \$100.00. Each day any violation under this ordinance continues shall be considered a separate offense.

#### **4.03.00 CONVENTIONAL SUBDIVISION DESIGN STANDARDS**

##### **4.03.01 Generally**

- A. The purposes of the subdivision design standards are:
  1. To encourage economically sound and stable development of land;
  2. To assure the provision of required streets, utilities, and other facilities and services;
  3. To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian;
  4. To assure the provision of needed public open spaces and building sites through the dedication or reservation of land for recreational, educational, and other public purposes; and
  5. To assure that land is developed in conformity with the Decatur County Comprehensive Plan.
- B. At the discretion of the property owner and applicant, subdivision design may be proposed in compliance with alternative design standards.
  1. Clustering, through the application of conservation subdivision standards, is permitted.

##### **4.03.02 General design standards for subdivisions**

- A. All development shall be on a designated, platted, and recorded lot that meets all standards set forth in this UDO.
- B. The standards for design and layout of conventional subdivisions are contained in this section. The standards for the design and installation of public improvements and infrastructure for subdivisions and all other developments are contained in Chapter 6.
- C. A subdivision shall have at least two (2) entrances if the subdivision is planned to have 75 or more lots.

- D. Submittal and procedural requirements regarding preliminary plats and final plats are set forth in Chapter 7.
- E. General requirements for potable water system:
  - 1. Water mains properly connected with an approved public water supply system shall be constructed in such a manner to adequately serve all lots shown on the subdivision plat for both residential use and fire protection.
  - 2. All subdivisions shall be required to connect to an approved public water system when said water system is within 1,000 feet radius of the property line of a lot created by a new subdivision development.
  - 3. The subdividing of property resulting in the creation of no more than one (1) additional lot, parcel, or tract of land shall be allowed to utilize a domestic primary water supply (on-site well water) in accordance with the rules and regulations of the state Department of Public Health, environmental health division.
  - 4. All public water facilities shall be installed subject to the policies and procedures of the applicable water and sewer utility provider.
- F. General requirements for public sewer system:
  - 1. When the subdivision is located within the service area of a public sewerage system, sanitary sewers shall be installed to serve all lots with connection to the public system.
  - 2. All subdivisions shall be required to connect to an approved public sewer system when said sewer system is within 200 feet radius of the property line of a lot created by a new subdivision development.
  - 3. Where sanitary sewer service is not available, all lots without connection to the public system shall be developed with a private septic tank system or decentralized wastewater management system.
  - 4. The standards for a public sewer system are set forth in Chapter 6.
- G. General requirements for all other utilities

The applicant shall make the necessary arrangements with the appropriate utility companies for the installation of utilities to assure that all lots have adequate gas, if available, electrical, cable, and telephone communication services.

**4.03.03 Design standards for blocks, easements, and lots**

- A. Subdivision blocks shall be sufficient to provide for two (2) tiers of lots. The length, width, and shapes of blocks shall be determined with regard to:
  - 1. Applicable dimensional requirements of lots;
  - 2. Applicable provision of required yards;
  - 3. Provision of adequate sites to accommodate required parking, as set forth in section 6.01.11;
  - 4. Protection of natural features and environmentally sensitive lands, as set forth in Chapter 3; and
  - 5. Provision of sites that are appropriate for the topographic conditions, natural conditions, and man-made features.
- B. Side lot lines shall be at right angles to straight lines and radial to curved street right-of-way lines.
- C. Except where expressly permitted, each lot shall have frontage on and access to an existing or proposed paved public street. Where private drives and easement access are permitted, they shall be a minimum of 30 feet wide constructed to the design requirements in section 6.01.
- D. Rights-of-way for pedestrian crosswalks may be required in order to provide direct pedestrian access to schools, shopping centers, and parks. Such rights-of-way shall comply with the standards set forth in Chapter 6.
- E. Easements
  - 1. All lots within a subdivision shall provide easements, as required, for stormwater drainage, water systems, sanitary sewer systems, gas lines, electric lines, cables, telephone lines, and utility poles. Standards for such utility easements are set forth in Chapter 6.
  - 2. Where a subdivision is traversed by a river, stream, watercourse, or drainage way, there shall be provided a drainage easement along each side of the watercourse. The easement, an undisturbed buffer, shall be at a width specified in Chapter 3.

#### 4.04.00 STANDARDS FOR MANUFACTURED HOUSING COMMUNITIES

##### 4.04.01 General provisions

Manufactured housing communities are intended to provide areas where stable communities for affordable housing can be located and efficiently developed in a manner compatible with surrounding residential areas while preserving the natural amenities of the land.

##### 4.04.02 Permitted uses

The following are permitted as principal uses manufactured housing communities:

- A. Planned manufactured home community.
- B. Recreation area owned, operated, and maintained by the owner(s) of the permitted use, exclusively for the use of residents and their guests.
- C. Utility substation meeting the following development standards:
  - 1. Structures must be placed at least 30 feet from all property lines.
  - 2. Structures must be enclosed by a wovenwire fence at least eight feet high with the bottom of the fence either flush with the ground or with a masonry footing.
  - 3. No vehicles or equipment may be stored on the lot.
  - 4. A buffer must be maintained along the side and rear property lines.

##### 4.04.03 Plan review and approval procedures

- A. *Pre-application conference.* Prior to filing a formal application for a manufactured housing community, the applicant may confer with the Planning Director in order to review the general character of the plan (on the basis of tentative land use sketch, if available) and to obtain information on development standards and ordinances affecting the proposed project.
- B. *Submission of application for manufactured housing communities' approval.*
  - 1. The applicant must file a proposed development plan with the Planning Director. This application must be supported by a development plan and a written summary of intent. The relationship between the proposed development and the surrounding area, both existing and proposed, must be shown. The following information must be presented with the development plan:

- a. A general location map.
  - b. Existing topographic conditions, including contour intervals of no more than five feet based on field surveys or photogrammetric methods.
  - c. The existing and proposed land uses and the approximate location of all buildings and structures.
  - d. The approximate location of existing and proposed streets.
  - e. The approximate location of all existing and proposed utilities, including a preliminary utility and drainage plan.
  - f. A legal description of the subject property.
  - g. The location and use of existing and proposed public, semipublic, and community facilities such as schools, parks, and open areas on the site. This includes areas proposed to be dedicated or reserved for community or public use.
2. If a proposed development creates special problems or involves unusual circumstances, additional information may be required in order to evaluate the proposal. Such additional information includes, but is not limited to, the following:
  - a. An off-street parking and loading plan.
  - b. An economic feasibility report or market analysis.
  - c. A traffic study of the area and a circulation plan within the proposed development as well as to and from existing streets adjacent to the site.
3. The written summary of intent submitted with the development plan must include the following information:
  - a. A statement of the present ownership of all land within the proposed development.
  - b. An explanation of the character of the proposed development. This includes a summary of acres, number and types of dwelling units.
  - c. A general statement of the proposed development schedule.

- d. Agreements, provisions, and covenants which govern the use, maintenance, and protection of the development and any common or open areas.
- C. *Review and approval of manufactured housing communities' application.*
1. An application for approval of a manufactured housing community requires a special use permit issued by the Board of Commissioners.
  2. The Planning Director will turn over the application materials to the Planning Commission for its recommendations.
  3. The power to approve a manufactured housing community rests with the Board of Commissioners. After conducting the public hearing and considering recommendations from the Planning Commission, the Board of Commissioners will then make an official decision on the proposed manufactured housing community. The Board of Commissioners may approve, disapprove, or conditionally approve the manufactured housing community.
- D. *Issuance of building permits.* The Building Official will issue building permits for buildings and structures in the area covered by the approved development plan if the proposed buildings and structures are in conformity with the approved development plan, the development schedule, and all other applicable regulations.
- E. *Revision of development plan after approval of plan.*
1. Minor extensions, alterations, or modifications of existing buildings or structures may be permitted after review and approval by the Planning Commission; such changes must be consistent with the purposes and intent of the development plan.
  2. Any major or substantial change in the approved development plan which affects the intent and character of the development, the density of land use pattern, the location or dimensions of streets, or similar substantial changes must be reviewed and approved by the Board of Commissioners after receipt of recommendations from the Planning Commission and shall be subject to the same procedures as required for the original approval of a development plan.

#### 4.04.04 Development standards

In addition to the development standards contained in section 4.01.02 of this ordinance, the following standards are required within manufactured housing communities:

- A. Minimum standards applicable to the development as a whole:
1. Minimum development area: 12 acres.
  2. Minimum development width: 150 feet for the entire development.
  3. Minimum front setback as measured from the right-of-way of the road:
    - a. Arterial streets/roads: 75 feet. The front of all buildings must be at least 35 feet from the front property line.
    - b. Collector streets/roads: 50 feet. The front of all buildings must be at least 35 feet from the front property line.
    - c. Other streets/roads: 50 feet. The front of all buildings must be at least 35 feet from the front property line.
  4. Maximum building height: 35 feet. This height limit does not apply to projections not intended for human habitation, except for satellite, television, and radio antennas, to which this limit does apply. For buildings and structures with such projections, the minimum required setbacks must be increased one foot for every two feet (or part of two feet) of height greater than 35 feet.
  5. Development standards shown in approved development plan: Other development standards shown in an approved development plan apply only to the development shown on the specific development plan. Such development standards must be maintained.
  6. General: Condition of soil, groundwater level, drainage, and ground slope must not create hazards to the property or to the health or safety of residents. The site must not be exposed to objectionable smoke, noise, odors, or other adverse conditions; no part subject to flooding or erosion can be used for any purpose that would expose people or property to danger.
  7. Soil and ground cover: Exposed ground surfaces throughout the development must be protected with a vegetative growth that prevents soil erosion, standing puddles, and dust. If this is not possible, such areas may be covered with a solid material such as stone or may be paved.
  8. Site drainage: The ground surfaces throughout the development must be equipped to drain all surface water in a safe, efficient manner, either through grading or installation of drains.

9. All internal streets must be paved with a material and thickness which meets the standards specified in Chapter 6. Minimum required pavement width is as follows:
  - a. No on-street parking: 20 feet.
  - b. Parking one side: 28 feet.
  - c. Parking both sides: 36 feet.
10. Dead-end streets: All dead-end streets must have a turnaround at the closed end, with an outside paved diameter of at least 80 feet.
11. Street lighting: Outdoor lighting is required which will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:
  - a. All parts of the street system of the development: 10 footcandle.
  - b. Potentially hazardous locations, such as major street intersections, steps, and stepped ramps: Individually lighted, with a minimum of 20 footcandle.
12. Street construction and design:
  - a. Grades: Minimum permitted grade for streets is 10 percent. Short runs with a maximum grade of 15 percent may be permitted upon specific approval of the Public Works Director if traffic safety is ensured by adequate leveling areas and avoidance of lateral curves.
  - b. Offset intersecting streets (street jogs) and reverse curves: Offset intersecting streets must be offset at the centerlines at least 150 feet. Reverse curves must be connected by a straight section that is at least 150 feet long.
13. Paved parking areas:
  - a. Paved off-street parking areas must be provided for the use of residents. At least two spaces for each dwelling unit must be furnished. In a planned manufactured home community, resident parking must be furnished at the manufactured home space which it serves.

- b. Paved parking areas for guests may be either on-street, in a separate off-street lot, or a combination of both. At least 0.2 paved guest parking spaces per dwelling unit must be furnished.
    - c. See Chapter 6 for required parking space design standards.
- 14. Walks:
  - a. General requirements: All developments must have safe, convenient, all-season pedestrian access of adequate width for intended use. Walks must be durable and convenient to maintain. Sudden changes in alignment and gradient should be avoided.
  - b. Common walk system: Common walks, where provided, should be at least 3½ feet wide.
  - c. Individual walks: All manufactured home spaces must be connected either to common walks, paved streets, paved driveways, or parking spaces adjacent to paved streets. Such individual walks must have a minimum width of two feet.
- 15. Service buildings and other such facilities: Service buildings, recreation buildings and other such facilities of the development must meet the requirements of applicable codes and development regulations adopted by Decatur County.
- 16. Each development shall have a reserved greenspace for the use of the residents and their guests which shall be of a size adequate to provide recreational opportunities for the anticipated number of residents and which shall in no case be less than 20 percent of the development area.
- B. Each manufactured home within the development shall be located on a separate lot, which shall be subject to the following minimum standards:
  - 1. Minimum floor area per manufactured home: 750 square feet.
  - 2. Minimum front setback: 35 feet.
  - 3. Minimum side setback for lots within development: 20 feet.
  - 4. Minimum rear setback: 30 feet.
  - 5. Minimum manufactured home lot area: 7,500 square feet.
  - 6. All manufactured homes must be installed in accordance with the Georgia State Manufactured Housing Code.

#### 4.05.00 WHIGHAM DAIRY ROAD CORRIDOR PROTECTION DISTRICT

##### 4.05.01 Findings

Conditions along the Whigham Dairy Road Corridor between GA Highway 97 and U.S. Highway 84 are changing in Decatur County and small area of Bainbridge. Traffic is particularly heavy in the morning and evening with the Spring Creek Charter School opening at the corner of GA Hwy 97 and the northern end of Whigham Dairy Road. In 2017, the Georgia Department of Transportation agreed to develop this stretch of road into a truck route to divert commercial truck traffic around the City of Bainbridge and away from the Historic downtown area. With this route becoming an official truck route and being widened, it is highly likely that development will be spurred on each side of the newly created truck route. Continued development along the corridor will increase traffic volumes and introduce additional conflict points which will further erode traffic operations and increase potential for crashes. Numerous published studies and reports document the positive relationship between well-designed access management systems and traffic operations and safety. Those reports and experiences of other communities demonstrate that implementing standards on the number and placement of access points (driveways and side street intersections) can preserve the capacity of the roadway and reduce the potential for crashes while providing a good business environment. Alongside safety concerns is the concern for unchecked strip development that lacks aesthetics and development standards and contributes negatively to the overall experience of the truck route and will negatively impact the business environment.

Decatur County finds that special comprehensive standards are needed along the Whigham Dairy Road Truck Route Corridor based on the following findings:

- A. The combination of roadway design, function (arterial highway), traffic speeds, current and projected traffic volumes, traffic crashes and other characteristics necessitate special access standards.
- B. Studies by transportation organizations in Georgia and nationally have found a direct correlation between the number of access points and the number of crashes.
- C. Preservation of roadway capacity through access management protects the substantial public investment in the roadway system and helps avoid the need for costly reconstruction, which disrupts business.
- D. Development standards for new development along the corridor will contribute positively to the business, residential and industrial environment.

#### 4.05.02 Purpose

The Georgia Department of Transportation has jurisdiction within the highway's right-of-way, while Decatur County and the City of Bainbridge have authority for land use and site plan decisions within individual parcels along the highway. The standards of this corridor protection district were created to help ensure a collaborative process between the GDOT, Decatur County and city on access decisions along Whigham Dairy Road. Among the specific purposes of this Corridor Protection District are to:

- A. Preserve the capacity of Whigham Dairy Road by limiting and controlling the number, location and design of access points and requiring alternate means of access through shared driveways, service drives, and access off at cross streets in certain locations.
- B. Encourage efficient flow of traffic by minimizing the disruption and conflicts between through traffic and turning movements.
- C. Improve safety and reduce the potential for crashes.
- D. Avoid the proliferation of unnecessary curb cuts and driveways, and eliminate or reconfigure existing access points that do not conform to the standards herein, when the opportunities arise.
- E. Implement the recommendations of the City of Bainbridge, Decatur County Comprehensive Plans.
- F. Require longer frontages or wider minimum lot widths than are typically required to help achieve access management spacing standards.
- G. Required coordinated access among adjacent lands where possible.
- H. Require demonstration that resultant parcels are accessible through compliance with the access standards herein prior to approval of any land divisions to ensure safe accessibility as required by the Land Development Regulations of both Decatur County and the City of Bainbridge where applicable.
- I. Improve situations where existing development within the corridor area does not conform to the standards and intent of this overlay district.
- J. Identify additional submittal information and review procedures required for parcels that front along Whigham Dairy Road.
- K. Avoid the need for unnecessary and costly reconstruction which disrupts business operations and traffic flow.

- L. Ensure efficient access by emergency vehicles.
- M. Improve safety for pedestrians and other non-motorized travelers through reducing the number of conflict points at access crossings.
- N. Establish uniform standards to ensure fair and equal application.
- O. Provide landowners with reasonable access, though the access may be restricted to a shared driveway or service drive or via a side street, or the number and location of access may not be the arrangement most desired by the landowner or applicant.

#### 4.05.03 Applicability

The restrictions of this Chapter 4.05 shall apply to all properties fronting or located within 300 feet of Whigham Dairy Road in the unincorporated portion of Decatur County, which shall be known as the Whigham Dairy Road Corridor Protection District.

The regulations herein apply in addition to, and simultaneously with, the other applicable regulations of the Decatur County land development and construction regulations with the following additional provisions:

- A. The number of access points is the fewest needed to allow motorists reasonable access to the site.
- B. Access spacing from intersections and other driveways shall meet the standards within the Whigham Dairy Road Corridor Protection District, and the guidelines of the Decatur County Department of Public Works.
- C. Provision has been made to share access with adjacent uses, either now or in the future, including any necessary written shared access and maintenance agreements to be recorded with the County.
- D. No building or structure, nor the enlargement of any building or structure, shall be erected unless the Whigham Dairy Road Corridor Protection District Regulations are met and maintained in connection with such building, structure, or enlargement
- E. No land division or subdivision or site condominium project shall be approved within this district unless compliance with the access spacing standards herein is demonstrated.
- F. Any change in use on a site that does not meet the access standards of this district, shall be required to submit a site plan for approval by the Planning

Commission and submit information to the GDOT to determine if a new access permit is required.

- G. For building or parking lot expansions, or changes in use, or site redevelopment that cannot meet the standards of this ordinance due to parcel size or configuration, the Planning Commission shall determine the extent of upgrades to bring the site into greater compliance with the access standards of this district. In making its decision, the Planning Commission shall consider the existing and projected traffic conditions, any sight distance limitations, site topography or natural features, impacts on internal site circulation, and recommendations from the GDOT. Required improvements may include removal or rearrangement or redesign of site access points.

#### 4.05.04 Additional Submittal Information

In addition to the submittal information required for site plan review, the following shall be provided with any application for development approval. The information listed below shall be required with any request for a land division.

- A. Existing access points. Existing access points within 250 feet on either side of the Whigham Dairy Road frontage, and along both sides of any adjoining roads, shall be shown on the site plan, aerial photographs or on a plan sheet.
- B. The applicant shall submit evidence indicating that the sight distance requirements of the Department of Public Works are met.
- C. Dimensions between proposed and existing access points (and median cross-overs if applicable in the future).
- D. Where shared access is proposed or required, a shared access and maintenance agreement shall be submitted for approval. Once approved, this agreement shall be recorded with the Decatur County Clerk of Superior Court.
- E. Dimensions shall be provided for driveways (width, radii, throat length, length of any deceleration lanes or tapers, pavement markings and signs) and all curb radii within the site.
- F. The site plan shall illustrate the route and dimensioned turning movements of any expected truck traffic, tankers, delivery vehicles, waste receptacle vehicles and similar vehicles. The plan should confirm that routing the vehicles will not disrupt operations at the access points nor impede maneuvering or parking within the site.
- G. Traffic impact study. Submittal of a traffic impact study may be required for any special land use that would be expected to generate 100 or more vehicle

trips during any peak hour, or 1000 or more vehicle trips daily, or where modifications from the generally applicable access spacing standards are requested. The traffic impact study shall be prepared by a firm or individual that is a member of the Institute of Transportation Engineers with demonstrated experience in production of such studies. The methodology and analysis of the study shall be in accordance with accepted principles of the GDOT and other transportation agencies. The Department of Public Works may require calculations or micro-scale modeling to illustrate future operations at the access points and nearby intersections and/or to evaluate various access alternatives.

- H. Review coordination. The applicant shall provide correspondence that the proposal has been submitted to the GDOT for their information. Any correspondence from the GDOT shall be considered during the site plan review process. The County may request attendance at coordination meetings with representatives of the GDOT. A review of access shall not be requested from the GDOT during a land division or site plan review by the City or County. The approval of a land division or site plan does not negate the responsibility of an applicant to subsequently secure access permits from the road agency.

#### 4.05.05 Access Management Standards

Access points (not including driveways that serve a single family home, duplex or essential service facility structure) shall meet the following standards.

- A. Each lot/parcel shall be permitted one access point. This access point may consist of an individual driveway, a shared access with an adjacent use, or access via a service drive or frontage road. As noted above, land divisions shall not be permitted that may prevent compliance with the access location standards of this overlay district.
- B. An additional driveway may be permitted by the Planning Commission upon finding the conditions 1 and 2, or 3 and 4, below exist. The additional driveway may be required to be along a side street or a shared access with an adjacent site. Approval by the Planning Commission does not release applicant from having to also obtain approval of applicable road agencies, which may or may not approve the request.
  - 1. The site has a frontage of over 660 feet and the spacing standards between access points listed below are met, and

2. The additional access will not prevent adjacent lands from complying with the access spacing standards when such lands develop or redevelop in the future.
- or
3. A traffic impact study, prepared in accordance with accepted practices as described in this chapter, demonstrates the site will generate over 300 trips in a peak hour or 3000 trips daily, or 400 and 4000 respectively if the site has access to a traffic signal, and
  4. The traffic study demonstrates the additional driveway will provide improved conditions for the motoring public and will not create negative impacts on through traffic flow.
- C. Access points shall be spaced and aligned based upon recommendations of the Georgia Department of Transportation pursuant to its applicable design manuals.
- D. Where the subject site adjoins land that may be developed or redeveloped in the future, including adjacent lands or potential outlots, the access shall be located to ensure the adjacent site(s) can also meet the access location standards in the future.
- E. Access points along sections of Whigham Dairy Road with an existing or planned median shall be located in consideration of existing or approved median crossovers.
- F. Where direct access consistent with the various standards above cannot be achieved, access should be via a shared driveway or service drive. In particular, the Planning Commission may require development of frontage roads, or rear service drives where such facilities can provide access to signalized locations, where service drives may minimize the number of driveways, and as a means to ensure that traffic is able to more efficiently and safely ingress and egress.

Frontage roads or service drives shall be constructed in accordance with the following standards:

1. Service drives and frontage roads shall be set back as far as reasonably possible from the intersection of the access driveway with the public street. A minimum of twenty-five (25) feet shall be maintained between the public street right-of-way and the pavement of the frontage road, with a minimum 60 feet of throat depth provided at the access point.

2. The alignment of the service drive can be refined to meet the needs of the site and anticipated traffic conditions, provided the resulting terminus allows the drive to be extended through the adjacent site(s). This may require use of aerial photographs, property line maps, topographic information and other supporting documentation.
  3. In cases where a shared access facility is recommended, but is not yet available, temporary direct access may be permitted, provided the plan is designed to accommodate the future service drive, and a written agreement is submitted that the temporary access will be removed by the applicant, when the alternative access system becomes available. This may require posting of a financial performance guarantee.
- G. Driveways shall be located to provide safe sight distance, or as determined by the applicable road agency.
- H. No driveway shall interfere with municipal facilities such as street lights or traffic signal poles, signs, fire hydrants, cross walks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures. The Building Official is authorized to order and effect the removal or reconstruction of any driveway which is constructed in conflict with street structures. The cost of reconstructing or relocating any new or proposed such driveways shall be at the expense of the abutting property owner.

#### **4.05.06 Modification of Access Standards**

Modification by the Planning Commission. Given the variation in existing physical conditions along the corridors, modifications to the spacing and other standards above may be permitted by the Planning Commission as part of the site plan review process upon a finding that all of the following conditions apply:

- A. Practical difficulties exist on the site that make compliance unreasonable (sight distance limitations, topography, wetlands, drain or water body, woodlands that will be preserved, existing development, unique site configuration or shape), or existing off-site access points make it impractical to fully comply with the standards.
- B. The use involves an access improvement to an existing site or a new use that will generate less traffic than the previous use.
- C. The proposed modification is consistent with GDOT guidelines and GDOT staff support the proposed access design.
- D. The proposed modification is consistent with the general intent of the standards of this district.

- E. If deemed necessary by the Planning Commission, a traffic study by a qualified traffic engineer has been provided that certifies the modification will improve traffic operations and safety along Whigham Dairy Road, and is not simply for convenience of the development.
- F. The applicant shall demonstrate with dimensioned drawings that such modification shall not create non-compliant access to adjacent lands that may develop or redevelop in the future.
- G. Roadway improvements will be made to improve overall traffic operations prior to the project completion or occupancy of the first building.
- H. Indirect or shared access is not reasonable due to practical difficulties.
- I. Such modification shall be demonstrated to be the minimum necessary.

#### **4.05.07 Inter-parcel Access**

When abutting properties do not provide interconnecting access to one another, it is difficult and dangerous, if not impossible, for motorists to travel between those properties. This section shall apply to all new office, commercial, and institutional developments and major building renovations and repaving projects of office, commercial, and institutional developments. Inter-parcel access for vehicles between abutting and nearby properties shall be provided so that access to individual properties can be achieved between adjacent and nearby developments as an alternative to forcing all movement onto abutting highways and public roads, unless the Planning Director determines that it is unnecessary to provide inter-parcel access due to the unlikelihood of patrons traveling among two or more existing or proposed uses on abutting or nearby sites. Where opportunities for shared access have been identified by the Planning Director, developments must provide shared access with adjoining properties to facilitate inter-parcel connections. The property owner shall grant an access easement to facilitate the movement of motor vehicles from site to site as approved by the Planning Director.

The location of vehicular connections across a property line shall be mutually determined and constructed by both property owners. Connection of parking areas for vehicular access may be provided in the front portion of the site. In cases where it is not possible to provide the connection in front, it may be provided in the rear portion of the site. In the case of coordination problems or any factors preventing construction of an inter-parcel connection, the Planning Director will determine the location of the inter-parcel connection to be constructed by property owners.

#### **4.05.08 Parking Design and Improvement Requirements**

Off-street parking lots with five or more spaces, regardless of use, shall meet the following requirements to the extent they apply:

- A. ***Circulation.*** Dead-end parking areas shall be prohibited unless design conditions prevent a connected design, and they can only be used if 90 degree parking design is used.
- B. ***Aisle length restriction.*** Parking aisle length shall not exceed 500 feet without a break for circulation.
- C. ***Grading, drainage and paving.*** All parking lots shall be hard surfaced with a pavement having an asphalt or concrete binder, and shall be graded and drained so as to remove surface water which might accumulate within or upon such area. No surface water from such parking area shall be permitted to drain into or onto adjoining property.
- D. ***Pavement setback.*** Parking lot pavements and curbs shall be set back a minimum of five (5) feet from side and rear property lines and ten (10) feet from front property lines. Where curbing is not provided, bumpers or barriers shall be provided to prevent vehicles for encroaching into the setback.
- E. ***Illumination.*** Lighting for parking lots shall be deflected away from abutting residential areas and shall be installed in such a manner. The source of illumination in all parking lots abutting a residential area shall not be more than thirteen (13) feet above the parking lot surface. Light poles should be located in landscaped planter strips. Where this cannot be accomplished, light poles must be placed on a reinforced concrete pedestal to protect them from damage or being knocked over.
- F. ***Landscaping.*** All land between parking lots and adjoining properties, adjacent streets and sidewalks, shall be landscaped to conform to the surrounding neighborhood. Furthermore, off-street parking facilities of ten (10) cars or more shall also provide a space of 120 square feet per each ten (10) cars and each fraction thereof, to be planted with at least one (1) tree with a minimum diameter (measured at the location of its greatest width) of three (3) inches, and grass and/or ground cover. The exact location within the parking lot is optional with each design. But the 120 square feet reserved for each tree planting must be designed as a tree island within the parking lot rather than a dedicated area inside a required yard or buffer strip.
- G. ***Screening of parking lots adjoining residential uses.*** Whenever a parking area subject to the requirements of this section abuts a residential use, screening in the form of a protective wall or landscaping shall be established and maintained between the property line and the area to be used or used for parking.

The number of parking spaces required shall be determined by the Building Official based on the proposed use and the gross square footage of the building or buildings devoted to the proposed use of the building.

#### 4.05.09 Prohibited Uses

The following uses are prohibited in the Whigham Dairy Road Corridor Protection District:

- A. Junk/Salvage Yards/Landfills/Recycling Processing Centers/Solid Waste Transfer Facilities
- B. Adult businesses
- C. Billboards
- D. Slaughterhouses

#### 4.05.10 Setbacks (Minimum)

Within the Whigham Dairy Road Corridor Protection District, the following minimum building setbacks shall apply to the construction of any new primary or accessory structure.

Front: 100 Feet. Corner Lots shall have two front setbacks each 100 Feet.

Side: 10 Feet

Rear: 20 feet

#### 4.05.11 Commercial and Industrial Design Requirements

- A. **Building Façade:** At least 75% of the non-windowed areas of the front façade of commercial and industrial buildings must be of masonry or a masonry veneer (not stucco, concrete block or Hardy-Plank type materials).
- B. **Signage:**
  - 1. *Wall Signs:* One (1) wall sign is permitted for each principal building or establishment located in the Whigham Dairy Corridor Protection District. The maximum allowable square footage of wall signs shall not exceed 150% of the width of the finished portions of the principal building's or establishment's front.

Wall signs shall be parallel to the front or side of the building, shall not extend over 18" from the face or side of the building, and shall not project above the roofline of the building. Alternatively, a wall sign may be

painted and/or vinyl lettering (or similar adhesive lettering) applied on principal buildings or establishments provided the dimensional and sign placement standards are maintained.

To calculate the maximum allowable square footage of a wall sign, first measure the width of the front of the finished building or establishment (areas completely enclosed on all sides). Then multiply the figure by 1.5.

2. *Monument Signs:* Monument signs shall be centered at least ten (10) feet behind the property line with the edges of the sign being at least three (3) feet off the property line and all portions of the sign being fully contained within the property lines. Monument signs shall not exceed 180 square feet including signage and structure. Monument signs shall not exceed a height of eight (8) feet.

3. *Pole Signs:* Not Permitted.

C. **Fencing:**

1. *Location:* No fencing is allowed in the front of the building. Fencing can extend out of the sides of the building and wrap around the back of the building but cannot extend into the front yard.
2. *Composition:* Fencing materials must consist of wood, metal or vinyl. Fences and walls composed or constructed of exposed concrete block, tires, junk or other discarded materials shall not be permitted.

# CHAPTER 5

## STANDARDS FOR ACCESSORY AND TEMPORARY USES

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**5.00.00      GENERALLY**

The provisions of Chapter 5 apply to accessory uses, accessory structures, and temporary uses. Home occupations are considered accessory uses to residential development. Standards pertaining to accessory structures are set forth in section 5.01.00. Standards for temporary structures and uses are set forth in section 5.02.00. Standards for signs, which may be either accessory structures, or the principal use on a parcel, are provided in section 5.03.00. Standards for wireless communication facilities, which may be located on a lot or parcel with a principal use, or which may be the principal use, are provided in section 5.04.00.

**5.01.00      ACCESSORY USES AND STRUCTURES**

**5.01.01    Agricultural and residential accessory structures and uses**

- A.    The following uses are permitted as accessories to agricultural or residential uses:
1.    Structure for the storage of equipment and supplies used in maintaining the principal building and its grounds.
  2.    Structure for a children's playhouse and the storage of children's play equipment.
  3.    Private swimming pool and bathhouse or cabana meeting the following development standards: All such swimming pools which are at least three feet deep must be completely enclosed by a fence as specified by the state minimum standard building code.
  4.    Private tennis court and/or basketball facilities. If lighted, lights must be designed so that they do not intrude upon adjacent lots. Such a court may be surrounded by a fence up to 10 feet high.
  5.    Noncommercial garden, including a greenhouse and other customary garden structures not over eight feet high.
  6.    Deck, patio, barbecue grill, or other such facility.
  7.    Fence, wall, exterior lighting fixture, or other general landscaping and site development facility.
  8.    Antenna: satellite, television, radio.
  9.    Temporary building for storage of materials meeting the following development standards:
    - a.    Permitted only in conjunction with construction of a building.

- b. Allowed either on the same lot where construction is taking place or on an adjacent lot.
    - c. Such a use must be terminated upon completion of construction.
  - 10. Accessory dwelling unit meeting the following development standards:
    - a. No more than one is permitted on a lot with another dwelling.
    - b. Shall not be occupied by more than two adult occupants.
    - c. The property has sufficient wastewater capacity as certified by the Decatur County Health Department.
    - d. Two additional parking spaces which may be legally allocated to the accessory unit must be in existence and provided for the accessory unit.
    - e. Two and a half acre minimum lot size or larger if required by health department for sanitary reasons and two bedroom and/or no more than 1,200 square feet habitable space.
- B. All accessory uses must meet the following standards:
  - 1. They must be located in the rear or side yard, and not in any front yard.
  - 2. They may not be located closer than eight feet to any property line.
  - 3. Accessory buildings and structures not attached to the principal building must be located at least 15 feet from the principal building on the lot.
- C. All accessory uses not expressly permitted are prohibited.
- D. Accessory uses shall be permitted prior to the construction of a principal structure only in the following circumstances:
  - 1. A barn or storage building for the storage of tools and equipment primarily intended for use on the subject property.
  - 2. Structures for temporary or transient overnight use by the owner and guests, but not for rent, and which is not a primary residence.

**5.01.02 Accessory uses on office, commercial and manufacturing properties**

- A. Permitted accessory uses:
1. On office, commercial and manufacturing properties, the permitted accessory uses will be those determined by the Planning Director to be customarily appurtenant to the permitted principal use on the property.
  2. Satellite dish antennas and television antennas are permitted.
  3. Manufacturing in connection with the principal retail business or service on the lot.
- B. All accessory uses must meet the following standards:
1. They must be located at least eight feet from any property line.
  2. Accessory buildings and structures not attached to the principal building must be located at least 15 feet from the principal building on the lot.

**5.01.03 Recreational vehicles**

The parking and use of recreational vehicles is permitted, subject to the following restrictions:

- A. Recreational vehicles shall be parked in side or rear yards whenever possible; where not possible, recreational vehicles shall not be parked on or within 15 feet of the public right-of-way.
- B. On any residential lot, no more than one recreational vehicle shall be parked upon it at one time except in a fully enclosed garage.
- C. Permanent residential use of recreational vehicles.
1. The use of a recreational vehicle for living quarters for more than 30 days in any calendar year (consecutive or non-consecutive) is deemed to be a permanent residential use.
  2. For the purposes of this ordinance, whenever the vehicle is occupied for a period greater than four hours within a 24-hour period, it will be deemed to be being used for living quarters on that particular day.
  3. No lot shall have recreational vehicles parked on the lot for use as living quarters more than 30 days in one calendar year unless the recreational vehicle is secured and permitted in the same manner provided for manufactured homes.

**5.01.04 Outside storage**

- A. Outside storage must be located in a side or rear yard and screened from all rights-of-way and residential properties that abut a permitted outside storage area. Such storage shall be screened by a fence, hedge, durable masonry wall, or stand of trees of sufficient opacity to provide a visual blind designed to be compatible with the character of adjoining properties. Said fence or wall shall be a minimum of five (5) feet and a maximum of eight (8) feet in height. Hedges, trees, or comparable natural plantings shall be of a rapid growth evergreen species and be a minimum height of three (3) feet at time of planting (with the exception that specific provisions for outdoor storage associated with uses subject to supplemental standards are set forth in section 4.02.00).
- B. Stored materials shall not exceed the height of the fence enclosing the outside storage area.
- C. Materials shall not be stored within any required buffer area, stormwater management area, or easement.
- D. No vehicle, trailer or manufactured home shall be used as a storage building. This requirement shall apply to all vehicles and trailers, including commercial vehicles, recreational vehicles, panel vans, tractor trailer rigs, and railroad box cars, with the exception that tractor trailer rigs and trailers may be used for temporary storage where there are businesses operating on the same property.
- E. Portable outdoor storage containers shall be allowed on a lot, parcel, or tract of land for a period of time not to exceed 30 days.

**5.01.05 Dumpsters**

- A. Dumpsters shall be screened with a solid masonry wall or opaque fence. The fence shall be a minimum of six (6) feet and a maximum of eight (8) feet in height.
- B. A gate shall be provided for access.
- C. Dumpsters shall be located on a concrete or asphalt surface of sufficient size to accommodate the dumpster.
- D. Dumpsters for food service establishments shall provide a drain.
- E. Dumpsters for food service establishments shall provide a grease trap.
- F. The dumpster location shall be easily accessible for pick-up.

- G. Dumpsters shall be located to the rear of the principal building. A location in the side of the principal building shall be permissible only where rear yard locations cannot provide adequate access for pick-up.
- H. Dumpsters shall not be located within any required buffer area, required landscaped area, required parking lot landscaping, or stormwater management area.

#### 5.01.06 Solar Energy Systems Regulations

##### A. Purpose

The following standards are to guide the development of solar energy systems in order to facilitate the construction, installation, and operation of solar energy systems in Decatur County in a manner that protects the public health, safety, and welfare and minimizes significant impacts on resources and adjacent uses.

##### B. Applicability

- 1. These regulations apply to the siting, construction, installation, and decommissioning of any new solar energy system to be constructed or installed after the effective date of this ordinance within the jurisdiction of Decatur County, Georgia.
- 2. Any solar energy system that, prior to the effective date of this ordinance, is in operation or has obtained the approval of the County Commission of Decatur County, Georgia, shall be exempt from complying with this ordinance, unless the surface area of a solar energy system or the footprint of a ground mounted solar energy system is increased by more than 25% after the effective date of this ordinance.

##### C. Definitions

- 1. "Energy storage system" means a device that reserves electrical energy for later consumption or distribution.
- 2. "Ground mounted solar energy system" shall mean a solar energy system that is structurally mounted to the ground and is not incorporated into a building or used in the place of traditional building components for a house or building or attached to a parking meter, light, or traffic device.
  - a. The "footprint" of a ground mounted solar energy system is calculated by drawing a perimeter around the outermost solar energy system panel and any equipment necessary for the functioning of the solar energy system, including, but not limited

to, inverters, transformers, power conversion units, and any energy storage systems. The footprint does not include any buffer, perimeter fencing, or interior, private roads. Transmission lines, switchyards, and any electricity substations required to connect the solar energy system to a utility or a consumer outside of the solar energy system perimeter shall not be included in calculating the footprint.

3. "Non-participating parcel" means a parcel abutting a ground mounted solar energy system that is not owned by the owner of the ground mounted solar energy system, the lessor of property on which the ground mounted solar energy system is located, or any owner of the lessor of property on which the ground mounted solar energy system is located. For purposes of this definition, a parcel is not abutting a ground mounted solar energy system if it is located across the street from any parcel where the ground mounted solar energy system is located; the definition of the term "street" is incorporated by reference from the Decatur County Land Development and Construction Regulations as those regulations were in effect on the effective date of this ordinance.
4. "Residential structure" means a structure, whether single-family or multi-family, that is designed for, and is capable of, human occupation as a dwelling.
5. "Solar energy system" means a device or structural design feature that provides for the collection of solar energy for electricity generation, consumption, storage, or transmission, or for thermal applications. For purposes of this ordinance, a solar energy system refers only to: (1) photovoltaic solar energy systems that convert solar energy directly into electricity through a semiconductor device, or (2) solar thermal systems that use collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling.
6. Any terms not otherwise defined herein shall be given their normal and ordinary usage.

D. General Requirements

The following requirements shall apply to all ground mounted solar energy systems:

1. **Setbacks.** The footprint shall be set back a minimum of 15 feet from all property lines and 100 feet from any residential structure located on a non-participating parcel.

2. **Placement.**

- a. At the time of construction, no inverters, transformers, power conversion units, energy storage systems, substations, or switchyards shall be located in areas designated areas of special flood hazard in the flood insurance rate map of Decatur County, Georgia, that was in effect on the effective date of this ordinance. If any photovoltaic panels are located in an area of special flood hazard, such photovoltaic panels shall be installed such that the lowest point of the panel is at least one foot above base elevation.
- b. No solar energy system shall be located over a septic system or leach field area unless approved by the Health Department of Decatur County, Georgia.

3. **Installation Requirements.**

- a. Components of a solar energy system shall be mounted and installed in accordance with applicable building and electrical codes.
  - b. Excluding any overhead lines, substations, or switchyards, no ground mounted solar energy system shall exceed 25 feet in height as measured from the grade at the base of a structure to the highest point of that structure.
4. **Lighting.** Lighting shall be limited to what is necessary for safe operation and security and be directed downward where reasonably feasible.
5. **Noise.** Inverter noise shall be no greater than 40 dBA, as measured from a receptor's residential structure on a non-participating parcel.
6. **Interconnection.** Prior to connecting to any electric transmission lines operated by the integrated transmission system, the Georgia Transmission Corporation, Georgia Power Company, a local electric membership cooperative, or any member of the Municipal Electric Authority of Georgia, the owner of a ground mounted solar energy system shall provide evidence to the Planning Department that the applicable utility has been informed of the solar energy system owner's intent to connect to the applicable electrical lines. For the avoidance of doubt, this requirement shall not be a pre-condition to the issuance of a solar energy system permit.

7. **Security.** The footprint of a solar energy facility shall be enclosed by a security fence no less than six feet nor no greater than eight feet in height.
8. **Decommissioning.** Unless otherwise approved by the Planning Division of Decatur County, Georgia, decommissioning shall begin no later than 12 months after a ground mounted solar energy system has ceased to generate electricity or thermal energy. For purposes of this provision, temporary cessation of electricity generation for a period of less than 12 months would not trigger any decommissioning requirements. The solar energy system shall be decommissioned in accordance with the most recent decommissioning plan for that solar energy system that has been submitted to the Planning Department.

E. Solar Energy System Permit

1. The Planning Division shall review and approve of any applications for a solar energy system permit, which shall include the following:
  - a. The address and/or parcels of property on which the solar energy system will be located.
  - b. The applicant's name, address, telephone number, and email address.
  - c. The property owner's name, address, telephone number, and email address, if applicable.
  - d. If the property owner is different from the applicant, evidence that the applicant has sufficient control of the property to construct a solar energy system.
  - e. A preliminary, conceptual site plan illustrating the location of any principal building, structures, and proposed location of a solar energy system as well as setbacks and fencing required by this ordinance.
  - f. A decommissioning plan, if applicable, that identifies the name, address, telephone number, and email address of the person(s) or entity(ies) responsible for implementing the decommissioning plan. The decommissioning plan shall contain the applicant's calculation of the estimated amount, if any (the "Net Removal Cost"), by which the cost of removing the Solar Energy System at the end of its useful life exceeds the salvage value of the solar energy system at the end of its useful life.

2. The Planning Division's review and approval of such applications will be based on whether the applicant meets the criteria in section D.
3. If the applicant seeks to apply for a variance from any of the provisions contained in this ordinance, the applicant shall file the application referred to in section 1. above with the County Commission along with its rationale for any departures from this ordinance. In a public meeting, the County Commission shall determine whether: (1) to grant any such variances, and (2) to review and approve such application for a solar energy system permit.
4. Prior to the issuance of any building permit for the solar energy system by the Planning Division, the applicant shall present evidence that security in the amount of the net removal cost specified in the decommissioning plan will be in place. The security may be in the form of a surety bond, letter of credit, parent/corporate guarantee, or other financial instrument of the applicant's choosing. In the event that the applicant is the owner of the property where the solar energy system will be located, the security shall be payable to Decatur County, Georgia, and conditioned upon the faithful performance of the decommissioning plan.
5. Within 30 days of a change of ownership of a solar energy system, the new owner of the solar energy system shall notify the Planning Division of the transfer of the solar energy system permit and shall assume all responsibilities contained with the permit.

#### **5.02.00 TEMPORARY STRUCTURES AND USES**

##### **5.02.01 Temporary structures and uses during construction**

A temporary building or use in connection with a construction project shall be permitted during the construction period. The following standards shall be met by temporary uses established during construction:

- A. A building permit shall be required.
- B. Temporary offices may be located on a construction site to be used for administrative functions during construction, sales functions or sales offices allowing for the sale, resale, or marketing of dwellings, structures, or property within the development in which it is located, or adjacent developments under the same control.
- C. The proposed construction building shall meet tie-down requirements for mobile structures and have a contract for sewage pump-out if approved by the Department of Natural Resources, Environmental Protection Division. Construction buildings, equipment, machinery, and materials shall be

removed within thirty (30) days of completion of the construction site for which they are permitted.

- D. On-site outdoor storage of equipment and construction materials shall be allowed during the period of construction.
- E. Portable toilet facilities shall be provided.
- F. Construction and demolition debris dumpsters are allowable and are not required to be screened.
- G. On-site temporary use of structures and equipment for the building of roads, public utilities, and government projects shall be allowed.

#### 5.02.02 Model homes and sales offices

Model homes are permissible only in conjunction with a new residential development during the period of construction of site improvements and new homes, subject to the following standards:

- A. A model home shall be located on a platted lot meeting all standards of this UDO;
- B. A model home shall be located to meet all site design standards of this UDO, except for the modifications specifically enumerated herein;
- C. A model home may include a sales office. Hours of sales operations shall not extend beyond 8:00 p.m.;
- D. One (1) off-street parking space shall be provided for each employee plus one (1) off-street parking space per model home. In addition, one (1) off-street parking space shall be provided for handicapped parking. These spaces shall be provided on the same lot as the model dwelling unit or on a contiguous lot within the specific project;
- E. The model home shall be discontinued as a model unit and sales office when ninety (90) percent of the lots or homes in the residential development have been sold. The model home site shall be redesigned to comply with all site design requirements applicable to the residential development. Such redesign includes, at a minimum, removal of parking in excess of that associated with a single-family home; removal of any signs; and removal of any exterior lighting associated with the model home and sales office.

## 5.03.00 SIGNS

### 5.03.01 General provisions and definitions

- A. No sign shall be placed or maintained within the County except in conformity with this sign ordinance.
- B. Notwithstanding any other restrictions in this sign ordinance, any sign, display or device allowed under this ordinance may contain any commercial or non-commercial message, or any political or non-political message; except that such messages cannot depict obscenity, as defined by O.C.G.A. § 16-12-80, nor can they depict sexual conduct or sexually explicit nudity, as defined in O.C.G.A. § 36-60-3, nor advertise any activity illegal under the laws of Georgia or the United States.
- C. Definitions. As used in this article, the following words have the following meanings. The general definitions and interpretative rules of this UDO shall also be used. To the extent those general rules or definitions conflict with these specific definitions, these definitions shall control.

*De minimis signs:* Signs that are one square foot or less in area, so long as they are not joined with other signs to express a single message. De minimis signs do not count against the maximum number or area of signs allowed on the lot on which the de minimis sign is located.

*Sign face:* The actual message-carrying portion of the sign that can be used to display content, including any area that can display or does display words, pictures or other communicative elements of the sign, including the background color.

*Sign structure:* This includes all the elements of the sign, including its supporting structure, sign face, base, lights and every portion of the sign.

*Entrance sign:* A sign erected at the entrance to a development or subdivision.

*Ground sign:* A sign that is anchored to the ground and is wholly independent of a building for support. Freestanding signs are included in this definition, as are signs on poles, frames, or other mounting structures other than buildings.

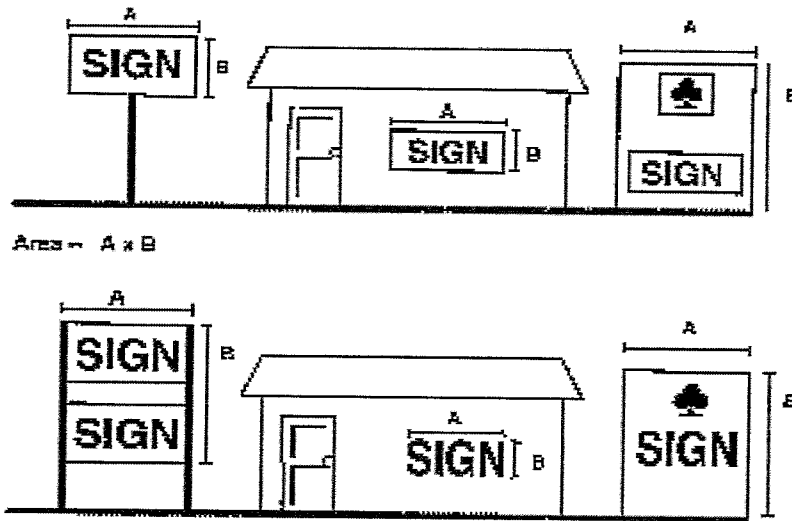
*Temporary signs:* Temporary signs are signs which are made of fabric, cardboard, paper, plastic or similar degradable materials, which are not permanently affixed to the ground or a structure, and which are displayed for a period of no longer than 60 days within a calendar year and no more than 30 consecutive days. One temporary sign is permitted on each lot in the County at a time; such temporary sign shall be no larger than 10 square feet.

*Wall 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 24 inches.

*Window sign:* A sign mounted inside of a structure and designed to be seen from outside of the structure through a window.

### 5.03.02 Permitted signs

- A. If not otherwise stated, any sign not specifically permitted as provided under this section shall be prohibited. These regulations apply to signs located on any lot or development, except that any sign not visible from a public right-of-way is not restricted or regulated by this ordinance.
1. *Sign height:* Sign height is measured from grade to the highest portion of the sign structure.
  2. *Sign face area:* The area of a sign is calculated by determining the area of the smallest square or rectangle which encloses the sign face and the structure surrounding the sign face. For example, the pole or base would not be included, but any frame holding the sign face in place would be counted. See examples, below. However, this example is not a substantive regulation as to permissible types of signs.



Examples of Sign Face Area Measurements

B. Signs on lots with residential structures:

1. *Ground signs:* Two double-faced signs per lot. No single sign face may exceed 32 square feet. Height is limited to five feet.
2. *Window signs:* Two per dwelling, total of up to eight square feet of window signs.
3. *Wall signs:* Not permitted.
4. *Entrance signs:* Two per subdivision development, maximum area of each sign is 32 square feet. Entrance signs may only be single-sided, unless only one is erected, in which case it can be double-sided. Entrance signs are only permitted at the entrance to a subdivision development. Entrance signs must be set back from the right-of-way a distance equal to their height plus one foot for safety reasons, and cannot block traffic sight lines. Maximum height is six feet.

C. Signs permitted on lots without residential dwellings:

1. *Ground signs:* Two double-faced signs per lot. No sign face may exceed 100 square feet. Maximum height for all ground signs shall be 35 feet.
2. *Window signs:* Total signage not to exceed 25 percent of the area of windows facing road frontage.
3. *Wall signs:* Up to four signs per lot, with no sign face larger than 50 square feet, and a maximum of 125 square feet per lot.
4. *Entrance signs:* Two per lot. The maximum area of each sign is 50 square feet. Entrance signs may only be single-sided, unless only one is erected, in which case it can be double-sided. Entrance signs are only permitted at the entrance to the planned center. Entrance signs must be set back from the right-of-way a distance equal to their height plus one foot for safety reasons, and cannot block traffic sight lines. The maximum height of entrance signs is six feet.

**5.03.03 Regulations for signs**

A. *Location and setback.*

1. The property owner must give permission for all sign placement on the owner's property. Private individuals and entities are not permitted to erect signs on the County's rights-of-way.
2. All signs must comply with all side and rear setbacks.

3. Signs can be located in front setback areas, but no portion of a sign or sign structure erected on private property shall encroach on or overhang the public right-of-way or any other person's property.
4. Entrance signs must be set back from the right-of-way a distance equal to their height plus one foot for sight distance requirements and must comply with any applicable provision in the Manual on Uniform Traffic Control Devices, latest edition.
5. Distances are measured from the closest portion of the sign (whether that be the base, sign face, or the sign structure) to the right-of-way, curb or pavement.

B. *Illumination.*

1. Flashing, blinking or otherwise varying illumination is not permitted. Multiple-message signs. No external or internal illumination that causes confusion with or distraction from any traffic signal or safety device shall be permitted.
2. All externally-illuminated signs shall utilize low wattage luminaries, mounted in fixtures designed to direct the light and eliminate light trespass, such as light shining into residences or other neighboring structures.
3. All internally-illuminated signs shall utilize low wattage luminaries designed to reduce light glow.
4. All illuminated signs over ten feet in height shall be internally illuminated or illuminated by external lighting fixtures located above the sign area, firing downward, and not directed towards passing motorists.

C. *Multiple-message signs.*

1. Multiple-message signs are those which change the message or copy on the sign face mechanically or electronically by movement or rotation of panels or slates, or by changing electronic display on the sign face.
2. No multiple-message sign may change its message or copy, or any pictures or images that are part of the message, more frequently than once every 10 seconds.
3. When the message of a multiple-message sign is changed mechanically, it shall be accomplished in three seconds or less. When the message of a multiple-message sign is changed in an electronic manner, through the

use of light emitting diodes, back lighting or other light source, the transition shall occur within two seconds.

4. When any multiple-message sign is located within 150 feet of any residence, the display of multiple messages shall discontinue between the hours of 11:00 p.m. and 6:00 a.m., and the sign shall be static and not display more than one message during that period.
5. Multiple-message signs which are illuminated or which use electronic lighting to display messages shall be subject to the restrictions and limitations applicable to illumination in this ordinance.
6. There shall be located no more than one multiple-message sign per lot, and such sign shall be permitted only on a ground sign or freestanding structure which is a permitted sign, and not on any wall sign or window sign.

#### 5.03.04 Safety and construction standards

- A. *Official confusion.* Signs which contain or are in imitation of an official traffic sign or signal, or can be confused with an official traffic sign, are prohibited.
- B. *Fire safety.* No sign or sign structure may be erected or maintained which obstructs any fire escape, ventilation, or door; nor shall any sign or sign structure be attached to a fire escape.
- C. *Corner visibility.* No sign or sign structure above a height of three (3) feet shall be maintained within 15 feet of the intersection of the right-of-way lines of two streets, or of a street intersection with a railroad right-of-way.
- D. *Traffic visibility and safety.* No sign shall obstruct the traffic sight line or the view of vehicles entering the roadway (i.e., the view of oncoming traffic by vehicles attempting to enter the road, or vice versa). No sign shall be erected on any traffic island.
- E. *Good repair.* All signs, together with all their supports, braces, guys, and anchors, shall be kept in good repair and shall be structurally sound.
- F. *Removal of signs.* The County may remove a sign in violation of this ordinance, without giving notice to any party, if said sign is upon the public right-of-way or upon other public property; or said sign poses an immediate safety threat to the life or health of any members of the public.

**5.03.05 Prohibited signs**

The following types of signs are prohibited:

- A. Roof signs (which means signs mounted above a roof or projecting above the roof-line of a structure).
- B. Rotating signs (which includes any sign designed to revolve, rotate, or otherwise turn, in whole or in part, by means of electrical power).
- C. Moving signs, or signs with moving parts. This includes, but is not limited to, animated signs involving motion or sound; signs with moving words; signs with waiving elements, whether motorized or wind-powered; or similar moving signs.

**5.03.06 Continuance of nonconforming signs**

Invariably, at the time a sign ordinance is adopted or amended, certain signs which lawfully existed prior to the adoption or amendment will not conform to specified regulations and development standards. These are known as nonconforming signs, and in order to feasibly adopt the ordinance and so as not to cause undue economic hardship on owners of nonconforming signs, these signs are allowed to continue under special conditions as outlined in the following subsections of this section:

- A. A nonconforming sign must not be extended or altered unless the extension or alteration is in conformance with the requirements of this ordinance.
- B. A nonconforming sign which is altered or extended must meet applicable County building codes and development regulations. When an applicant seeks a sign permit for the extension or alteration of a nonconforming sign, the Planning Director will inspect the sign and determine what (if anything) is needed to bring the sign into conformance with applicable building codes and development regulations. Upon determining that the sign meets applicable building codes and development regulations, he will issue the sign permit for the nonconforming sign.
- C. If a nonconforming sign suffers damage which does not exceed 50 percent of its assessed valuation, the sign may be reconstructed and reused as before if done within 12 months from the time such damage occurred. If such damage is greater than 50 percent of its assessed valuation, such a sign may only be reconstructed and used in conformity with the standards and requirements of this ordinance.

5.03.07 Permits, inspections, etc.

- A. *Permit required.* Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move, or convert any sign in the County or cause the same to be done without first obtaining a sign permit from the Planning Director. These directives shall not be construed to require any permit for change of copy on any sign, replacement of the sign face, nor for the repainting, cleaning, or other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign structure is not modified or enlarged in any way. No permit or fee shall be required for signs having no electrical connection and a sign face less than thirty-two square feet in area.
- B. *Application.* Sign permits may be applied for by the owner of the property upon which the sign will be located, or by that person or entity's authorized agent. In order to obtain a permit to erect, alter or relocate any sign under the provisions of this ordinance, an applicant therefor shall submit to the Planning Director a sign permit application which shall set forth in writing a complete description of the proposed sign including:
1. The name, address, and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector;
  2. The name, address and telephone number of the owner or lessee of the lot on which the sign is located if different from those designated above;
  3. The location by street address and parcel number of the proposed sign structure;
  4. A drawing of the proposed sign showing dimensions and construction specifications, prepared and signed by an architect or engineer licensed by the state of Georgia;
  5. Where the sign construction requires an electrical connection, the electrical contractor shall obtain an electrical permit;
  6. Each applicant shall present to the Planning Director on request a certificate of liability insurance prior to the issuance of a sign permit; and
  7. Where the application is for a multiple-message sign using electronic lighting as part of the display on the sign face, a copy of the sign manufacturer's specifications for luminosity shall be attached to the application.

- C. *Issuance of permit if application in order.* It shall be the duty of the Planning Director, upon receipt of a completed application for a sign permit, to examine such plans and specifications and other data and, if the proposed structure is in compliance with the requirements of this section and all other applicable provisions of this ordinance, to issue, within five (5) working days from date of filing, to the applicant a written permit evidencing the applicant's compliance therewith. Sign permits shall be issued in the name of the property owner upon which the sign is to be located. Issuance of the permit shall in no way prevent the Planning Director from later declaring said sign to be nonconforming if the permit is obtained based on false information submitted by the applicant.
- D. *Permit duration.* A sign permit shall become null and void if the construction of the sign for which the permit was issued has not begun within a period of six months after the date of issuance and completed within 12 months after date of issuance.
- E. *Work on illegal signs.* No person shall erect or assist in the erection, construction, maintenance, alteration, relocation, repair or painting of, or do any work upon any sign for which a permit has not been obtained where required. Any such sign shall be illegal, and the Planning Director may order the owner to remove the same immediately. If the owner fails to remove the same within 30 days, the Planning Director shall proceed in accordance with this ordinance.
- F. *Inspection.* All signs for which a permit is required by this ordinance are subject to inspection by the Planning Director.
- G. *Revocation.* The Planning Director is hereby authorized to revoke any permit upon failure of the holder thereof to comply with the provisions of this section within 30 days after notification in writing.
- H. *Permit fees.* Before any permit is issued under the provisions of this section, the applicant shall pay a fee in the amount of \$50.00.

#### **5.03.08 Sign and sign structure maintenance**

- A. Signs and sign structures shall be maintained in good repair, structurally sound, with proper anchorage capable of supporting the imposed loads, so as not to pose a threat to the public health, safety or welfare. All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.
- B. All exterior surfaces shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment. Sign faces shall be maintained in good repair and shall have neatly painted, posted or otherwise maintained display surfaces, free of defects such as holes, tears, cracks, breaks or missing portions, which are plainly visible from the public right-of-way.

- C. When a sign or sign structure is found to be in need of maintenance, a notice of violation shall be issued to the property owner which shall describe the maintenance issue and provide a reasonable amount of time to repair the violation.
- D. If, after receiving the notice of violation, the property owner fails to remedy the maintenance issue within the time provided, it shall be a violation of this ordinance, subject to citation. The County may also institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation or to require the removal of the sign or sign structure where appropriate. The reasonable cost of any action taken by the County or its agents to remedy the maintenance issue shall be charged against the real estate upon which the structure is located and shall constitute a lien upon such real estate.

#### 5.04.00 TELECOMMUNICATION TOWERS

##### 5.04.01 Requirements

Towers may be permitted pursuant to those additional restrictions listed herein:

- A. *General requirements.*
  - 1. A special land use permit granted by the board of commissioners shall be required for the construction of all new communications towers within the County after the following factors are considered:
    - a. The proposed height of the tower.
    - b. Proximity to residential structures.
    - c. Nature of uses on adjacent and nearby properties.
    - d. Surrounding topography, tree coverage and foliage.
    - e. Design of the tower, with particular reference to design characteristics which have the effect of reducing or eliminating visual obtrusiveness.

2. All permit applications submitted to the community development department shall include a complete inventory of the applicant's existing towers and receivers/transmitters located within Decatur County including each asset's location, height and collocation usage or capabilities. The Planning Director shall utilize such information to promote collocation alternatives for other applicants.
3. All applicants must demonstrate that no existing tower or structure can accommodate the proposed antenna(s). Evidence of an engineering nature shall be documented by the submission of a certification by a qualified engineer. Such evidence may consist of the following:
  - a. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
  - b. No existing structure is of sufficient height to meet the applicant's engineering requirements.
  - c. No existing tower or structure has sufficient structural strength to support the applicant's proposed antenna(s) and related equipment.
  - d. The applicant's proposed antenna(s) would cause electromagnetic interference with the antenna(s) on the existing tower or structure.
  - e. The fees or costs required to share the existing tower or structure or to adapt the existing tower or structure for shared use are unreasonable. Costs exceeding new tower development are presumed unreasonable.
  - f. Such other limiting factor(s) as may be demonstrated by the applicant.
4. At the time of filing the application for a tower, the applicant shall provide the federal statutory provision under which approval is sought, a site plan and information regarding tower location, accessory structures, neighboring uses and proposed landscaping. Documentation must be submitted and certified by a qualified engineer delineating coverage and propagation zones, tower design and collocation capabilities.
5. All collocation applications shall be ruled upon within 90 days of the filing of a completed application; all other applications shall be ruled upon within 150 days of a completed application. Applications which are not completed at the time of filing shall not be accepted, and County

staff shall review the application to verify completeness within 30 days from the filing of the application. In the event that an application is determined to not be complete within the initial 30-day period after filing, County staff shall promptly notify the applicant, and the time for issuance of the decision shall be tolled for the time period between such notification to the applicant and the date the applicant files materials which complete the application. The time periods within this subparagraph may be extended by the mutual consent of the County and the applicant.

6. In granting a special land use permit, the board of commissioners may impose additional conditions to the extent determined necessary to minimize adverse effects on adjoining property.
7. In any case where an application is denied, the County shall issue a written decision which lists the reasons and evidence in the record supporting such denial.

B. *Standards.*

1. All towers must be set back a distance of twice the full height of the tower from any structure used for residential purposes.
2. All towers shall be separated from each other by a distance of at least 1,000 feet.
3. All new self-supporting towers which do not incorporate alternative design features must be designed and built in a manner that allows at least one other entity to collocate on the structure.
4. All towers and their related structures shall maximize the use of building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environment. Towers shall be painted so as to reduce their visual obtrusiveness, subject to any applicable standards of the Federal Aviation Administration (FAA).
5. Any tower which directly abuts a residence shall have a minimum 50-foot landscaped buffer with a solid fence or wall no less than six feet in height.
6. All landscaping plans shall be prepared by a registered landscape architect. For each 30 linear feet of perimeter fencing, no less than two trees and two shrubs shall be installed.

7. Towers shall be enclosed by security fencing not less than six feet in height and shall be equipped with an appropriate anti-climbing device; provided, however, that such requirements may be waived for alternative design mounting structures.
8. All towers must meet or exceed current standards and regulations of the Federal Communications Commission (FCC) and FAA.
9. Subsequent to commission approval, but prior to the issuance of any building permits, compliance with section 106 of the Natural Historic Preservation Act shall be demonstrated.

C. *Administrative approval.*

1. The addition of transmitting and/or receiving whip antennas and panels may be approved administratively by the Building Official so long as any such addition does not add more than 10 feet in height to an existing structure more than 50 feet in height, or more than five feet in height to an existing structure less than 50 feet in height but greater than 20 feet in height and all necessary building permits are obtained. Such acceptable structures include buildings, signs, light poles, water towers, and other freestanding nonresidential structures. Antennas attached to existing structures, along with supporting electrical and mechanical equipment, shall be of a color identical to, or closely compatible with, that of the supporting structure.
2. The Planning Director may administratively approve alternative mounting structures such as fake trees, clock towers, bell steeples, light standards, and similar alternative mounting structures, provided such alternative structure is determined by the director to satisfy such factors set forth in subsection A. These structures shall also be exempt from the additional separation and setback requirements pertaining to towers.
3. The Planning Director may administratively approve the shared use of an existing tower or structure by another provider, including the placement of additional accessory buildings or other supporting equipment. The director may administratively waive setback requirements by up to 50 percent to accommodate the placement of such additional buildings or other supporting equipment in order to encourage the shared use of existing infrastructure.

- D. *Removal of antennas and/or towers.* All towers shall be maintained in compliance with standards contained in applicable building and technical codes so as to ensure the structural integrity of such towers. If upon inspection, such tower is determined not to comply with the code standards and to

constitute a danger to persons or property, then upon written notice by certified mail, return receipt requested, or by personal service being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance.

E. *Exceptions.*

1. Antennas or towers located on publicly-owned property or owned by governmental bodies shall be exempt from the requirements of this ordinance provided a license or lease authorizing such antenna or tower has been approved by the appropriate governing body.
2. A tower under 70 feet in height owned and operated by a federally-licensed amateur radio station operator shall be exempted from these requirements. However, the owner or operator of such tower shall be required to comply with all applicable local, state, and federal codes.

**5.05.00 MIGRANT WORKERS**

**5.05.01 Provision for Migrant/Seasonal Farm Tenant Residences**

Migrant/Seasonal Farm Tenant Residences: Single or multi-family residence structures including duplexes, triplexes, quadraplexes, townhomes or dormitories shall be allowed on any working farm parcel of land under single ownership that is 25 acres or greater. Each single-family non-principal residential use shall occupy a land area not less than 65,340 square feet unless community water or sewer systems are provided. Multi-family developments shall meet the land requirements as deemed necessary by the Decatur County Health Department.

# CHAPTER 6

## INFRASTRUCTURE IMPROVEMENTS

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**6.00.00      GENERALLY**

The purpose of this chapter is to establish standards and requirements for the provision of infrastructure by all development. This chapter contains requirements for the transportation system, set forth in section 6.01.00, including placement of underground utilities, access, streets, off-street parking and clear visibility at intersections. Decatur County Board of Health requirements are set forth in section 6.02.00. Requirements for utilities are set forth in section 6.03.00, including potable water and sanitary sewer. Requirements for drainage and stormwater management are set forth in section 6.04.00.

**6.01.00      TRANSPORTATION AND PARKING FACILITIES**

**6.01.01      Generally**

**A.      Acceptance of official County road map**

The Decatur County Road Classification Map, as now or hereafter amended, is hereby accepted.

**B.      No person shall do any paving work, or any other related or similar roadwork, on, or adjacent to, a County road without a permit.**

**C.      All transportation system design, street design, and construction for non-local roadways shall comply with Georgia Department of Transportation (GDOT) requirements. The latest edition of the GDOT manual, "Standard Specifications, Construction of Roads and Bridges," shall apply.**

**D.      Where conflict arises between GDOT standards and this section concerning non-local roadways, the stricter standard shall apply. Design of local roadways shall be governed by the policies as stated within the UDO; however, construction methods/practices of said roadways shall be governed by the stricter of the GDOT standards and the UDO.**

**E.      All materials, equipment, labor and other matters related to street construction shall be provided by the applicant. The following is a summary of the improvements required:**

- 1.      All streets, roads, and alleys shall be graded to their full width right-of-way by the applicant so that the pavements and sidewalks, when installed in the future, can be constructed on the same level plane. The preparation of the right-of-way before grading is started, and the construction of cuts and fills, shall be accomplished according to the specifications of the County (see subsections 6.01.07I. and K.).**

2. Two (2) copies of an as-built subgrade centerline profile shall be submitted to the County. The profile shall include both proposed and as-built centerline elevations at every even station. No curb and gutter or waterlines shall be installed prior to subgrade approval.
3. An adequate drainage system, including necessary curbs, pipes, culverts, headwalls, intersectional drains, drop inlets, bridges, swale ditches, and detention areas, shall be provided for the proper drainage of all surface water. The drainage system shall be designed by a registered professional engineer, licensed in the state of Georgia.
4. After preparation of the subgrade, the roadbed shall have base material and paving applied according to County specifications (see subsections 6.01.07I. and K.).

F. Installation of underground public utility lines

The following minimum specifications shall govern the installation of underground public utility lines on County road rights-of-way. They are the minimum specifications for installation of underground utilities including lines for electricity, water, natural gas, telephone, cable television, and street lights on County road rights-of-way:

1. All of the above shall be located a minimum of two (2) feet from the edge of the pavement (with curb and gutter) and shall be located a minimum of four (4) feet below the existing grade and/or edge of pavement, whichever is lower.
2. Public utility lines shall be located underground along all new roads, and, at the discretion of the public works director, on all existing roads when serving new construction, excluding single-lot residential development.
3. Paved roads shall be bored rather than cut for the installation of utilities. The cutting of all paved County roads shall require the approval of the public works director prior to the cut being made.
4. Any paved road which is saw cut to a width of more than twelve (12) inches shall be filled with a compacted base material to within eight (8) inches of the riding surface and with concrete to within two (2) inches of the riding surface. The remaining two (2) inches shall be filled with asphaltic concrete to allow for a smooth riding surface.
5. Any paved road which is saw cut to a width of twelve (12) inches or less shall be filled with a compacted base material to within two (2) inches

of the riding surface. The remaining two (2) inches shall be filled with asphaltic concrete to allow for a smooth riding surface.

6. Any dirt road which is cut shall be filled with a compacted base material.
- G. Private roads may be allowed only by authorization from the board of commissioners. Any such roads must be designed and constructed in accordance with all applicable County ordinances and specifications. Verification must be provided by the owner/developer at their own expense to satisfy the County engineer.

#### **6.01.02 Naming of public roads**

##### **A. New roads**

Prior to new roads being accepted into the County road system by the board of commissioners, the proposed road name shall be reviewed and approved by the County's technical review committee, which shall be a standing committee of the County department heads or their representative and be chaired by the director of the Decatur County EMA-911, to ensure that the road name will not cause confusion with other roads. Roads that are obviously in alignment with roads within the same subdivision development should be given the same name. The names of new roads should not duplicate or closely approximate those of the existing roads in the County.

##### **B. Name changes**

Before the name of any County road may be changed from the current official name, the request shall be presented to the County's technical review committee to ensure that the proposed name will not cause confusion with other roads. If the proposed name is approved by the technical review committee, then the board of commissioners shall hold a public hearing for determination of whether to change the road name. A notice shall be published in the legal organ of the County once a week for three weeks stating the name of the road to be changed, the general location of the road, the proposed new name and the date, time and location of the hearing. The cost of the advertising shall be paid by the proponents of the name change.

#### **6.01.03 Utility facilities and equipment**

##### **A. Purpose**

This section is enacted to more efficiently provide for the safety of persons and vehicles traveling on the County roads of Decatur County, as allowed under O.C.G.A. § 32-4-42(6).

B. Basis for ordering removal, relocation of facilities; failure to comply, removal by County

1. When the board of commissioners reasonably determines that any pipe, main, conduit, cable, wire, pole, tower or other signal and equipment, facilities or appliances of any utility in, on, along, over or under the public roads of the County should be removed or relocated because it has become an obstruction or interference with the use and safe operation of a County road, or will become an obstruction or interference with the use and safe operation of a contemplated County road or project, a written notice shall be directed to the utility company, giving at least sixty (60) days' notice in which to make such change as is necessary for removal or relocation as may be necessary.
2. If the utility does not thereafter begin removal within a reasonable time sufficient to allow for engineering and other procedures reasonably necessary to the removal and relocation of the utility facility, the board of commissioners may give the utility a final notice directing that such removal shall commence not later than ten (10) days from receipt of such final notice.
3. If such removal has not begun, or if such removal has begun and the relocation has not been completed within a reasonable time, the County may remove or relocate the same with its own employees, or by contracted labor, tools, equipment, supervision or other necessary services or materials and whatever else is necessary to accomplish the removal or relocation, and the expense thereof shall be charged to the utility.
4. Such expense shall be certified to the County attorney, who shall have the authority to proceed with suit against the utility for same if payment or arrangements to make payment are not made within sixty (60) days.

C. Compensation of utility upon relocation

Nothing in this section shall be construed so as to deprive any utility, relocated from a location in which it owned a property interest, of compensation for such property interest.

**6.01.04 Right-of-way protection**

A. Purpose and intent

The purpose of this section is to provide procedures, rules and regulations governing persons, firms, businesses, companies, municipalities, utilities and corporations engaged in any activity involving the utilization of County road

rights-of-way in Decatur County and to provide for the issuance of permits to protect the citizens, the environment, County infrastructure, and to assure the public's safety.

- B. Permits. No person shall engage in any activity upon, across, or through the rights-of-way of roads in Decatur County without first securing a permit to conduct such operations in Decatur County.
1. Exception. The placement of mailboxes for the delivery of items from the U.S. Postal Service shall be exempt from the requirement for a permit, subject to the following standards:
    - a. It shall be the responsibility of the owner of the mailbox to maintain and repair those portions of the public rights-of-way impacted or damaged through the delivery of mail by vehicular traffic.
  2. Any person seeking a permit shall apply in person or through an authorized agent at the Decatur County Public Works Department and shall provide the following information for each permit requested in subsections a. and b. below.
    - a. Timber operations
      - i. No timber operation shall commence in Decatur County, whether or not over, upon, across, or through County rights-of-way, without first having obtained Georgia Department of Revenue form PT 283T, completing sections A, B, C, and G of said form, and submitting "Sellers Copy for Tax Assessor" to the Decatur County Public Works Department as an accompaniment to the permit application.
      - ii. Timber operations that do not access or utilize County roads or rights-of-way shall be exempt from the requirements of subsection a.x. of this section only. All other provisions of this section shall be applicable.
      - iii. The name and address of the owner of the property on which the timber operator will engage in timber operations.
      - iv. The location of the property on which the timber operator will engage in timber operations.

- v. The roads in Decatur County upon which timber trucks will travel.
  - vi. The date cutting operations are expected to commence and end.
  - vii. The name and address of all persons in a supervisory capacity engaged in the timber operation at the location for which the permit is requested.
  - viii. If the timber operator intends to engage independent contractors to haul the timber, then the name, address, SSN or E.I.N. of each independent contractor.
  - ix. If the timber operator is engaged in hauling only, then the name, address, SSN or E.I.N. of the timber operator for whom he will be hauling.
  - x. A surety bond made payable to Decatur County indemnifying the County for any damage caused by the timber operator from its timber operations in Decatur County.
  - xi. In addition to the provisions of this section, the applicant for a permit will comply with all state and federal regulations pertaining to timber operations.
  - xii. Timber operations occurring on two (2) acres or less and being done primarily for the purpose of building construction or lot maintenance may be exempted from the requirements of subsections a.i. and x. upon the inspection and approval of the public works director.
  - xiii. Construction entrance is required consistent with GDOT standards.
- b. Utility providers
- i. The location of the property on which the utility provider will engage in operations.
  - ii. The date utility operations are expected to commence and end.

- iii. The name and address of all persons in a supervisory capacity engaged in the utility operation at the location for which the permit is requested.

C. Issuance of permit

1. A permit will be issued to the applicant without charge when all required information and surety bonds as required for the issuance of the permit have been provided.
2. Permits will not be issued for signage, advertisements, or notices of any kind upon the rights-of-way of County roads, and the unauthorized placement of such shall be unlawful. Any unauthorized items placed upon the rights-of-way in Decatur County shall be considered littering, and Decatur County, its officers and employees shall be empowered to remove and destroy such items.
3. All permits shall be conspicuously posted, clearly visible, and located upon the public right-of-way abutting the property upon which the permitted activity is taking place.

D. Public nuisance

1. No person shall allow dirt, mud, gravel or other debris from adjoining land or resulting from any activity to accumulate upon the rights-of-way of any public road to such an extent that it becomes a nuisance or a hazard to persons traveling upon said roads, or that it creates an unsightly condition upon the public rights-of-way.
2. No person shall allow dirt, mud or other debris resulting from any activity to accumulate in ditches and drainage areas on public rights-of-way to such an extent that the usual flow of water or run-off is stopped, disturbed, changed or interrupted.
3. No person shall create any other type of public nuisance that interferes with or in any way damages the public rights-of-way in Decatur County.
4. No person shall park or leave unattended a truck or other motor vehicle or trailer upon the rights-of-way of any County road.
5. No activity, whether permitted by this section or any other section, shall commence operation or continue to operate without first installing and maintaining, when necessary, a temporary drive cut and culvert to access property and installing and maintaining soil erosion and sedimentation controls sufficient to prevent dirt, mud, gravel or other

debris from accumulating in the County drainage ditches or on County roads.

6. No timber operator shall commence timber operations until he has first posted or caused to be posted along the public road onto which the timber operator will enter from his timber operations at least the following signs: one (1) sign in each direction located five hundred (500) feet from the entrance which states "Slow, Trucks Entering Highway," one (1) sign in each direction located one thousand (1,000) feet from the entrance stating "Warning: Logging Operation Ahead." Each such sign shall be in accordance with the MUTCD and not less than 36" x 36," orange in color and posted at least three (3) feet from the edge of the surface of said road.
7. No permitted activity shall continue in operation if the permittee fails to keep County roads free from dirt, mud, gravel or other debris resulting from the activity being performed.
8. Immediately upon the completion of the permitted activity, an inspection shall take place by the public works director to ensure that all County rights-of-way have been restored to their original condition. Failure to ensure restoration shall result in the forfeiture of the surety bond.
9. In addition to any other penalty provided for under the provisions of this section, or under the provisions of any state or federal law, any person in violation of this section shall reimburse the County for any and all costs and expenses incurred in abating said nuisance.

#### 6.01.05 Access

- A. Except where expressly permitted, access to every subdivision shall be provided over a public street. All proposed streets shall be continuous and in alignment with existing, planned or platted streets.
- B. Emergency vehicle access shall be provided to all lots within a subdivision. All subdivisions resulting in the creation of seventy-five (75) or more lots shall be provided with a minimum of two (2) points of ingress/egress from the existing street system.
- C. Access points, whether private commercial/industrial drives or County roadways, shall line up directly across from one another when possible. For driveways/roadways that require an offset, the spacing between driveways/roadways, whether on the same or opposite side of the intersecting

roadway, shall be required to have the minimum centerline to centerline spacing as follows, based on the speed limit of the main road:

- 30 mph (or less) – 125'
- 35 mph – 150'
- 40 mph – 185'
- 45 mph – 230'
- 50 mph – 275'
- 55 mph – 350'

For intersecting roadways that are not classified as collector or above and have posted speed limits of 30 mph or less, private commercial/industrial driveways may be allowed to have a reduced offset requirement if approved by the County engineer.

- D. Where access to a subdivision is on a state route, the Georgia DOT shall approve all access and egress locations and designs.
- E. For subdivisions located on a state route or local arterial road, all residential lots shall take direct access only from within the subdivision.
- F. Limitations on residential driveways.
  - 1. All driveways shall be constructed so as to be at least two (2) feet from any property line.
  - 2. The maximum width of any driveway shall not exceed forty (40) feet measured at the right-of-way line.

G. Interparcel access

New non-residential development that contains or is intended to contain more than one building or use on site shall provide access so that automobile trips between and among such buildings or uses can be accomplished without using the highway or major street. New developments and substantial improvements to existing developments shall provide for pedestrian and automobile access connections between adjacent properties under different ownership when the uses of the properties are of such compatibility that patrons may frequent both buildings and/or uses in the same vehicle trip, unless the Planning Director determines otherwise.

**6.01.06 Design and construction standards for streets**

A. Location.

1. The location, arrangement, extent, width, and grade of all streets shall conform to the comprehensive plan and the transportation system plan, and shall be considered in relation to existing and planned streets, topographical conditions, public safety and convenience, and proposed use of land to be served by the streets. The layout of a subdivision shall conform to the requirements and design principles described in this UDO.
  2. The location of all streets and roads shall conform to the comprehensive plan and the transportation system plan. Provision shall be made in developments for the construction of streets at locations shown in the comprehensive plan and transportation system plan.
  3. Whenever a tract to be subdivided includes any part of a major arterial, minor arterial, major collector, or minor collector street designated on the comprehensive plan or transportation system plan, such part of said street shall be installed by the applicant in the location and at the full width indicated by the functional classification for right-of-way and pavement widths indicated in this UDO.
- B. Design and construction standards for curb and gutter.
1. Curbs shall be required in all residential subdivisions unless a variance is granted by the Planning Commission based upon the criteria for a variance under this UDO. If curb and gutter are not constructed pursuant to this provision, then the road base shall be extended one foot beyond the edge of pavement and the shoulders shall extend eight feet from the edge of pavement to a standard ditch or swale section on each side of the road.
  2. Curbs shall be required for streets in commercial and industrial subdivisions.
  3. Curbs in all subdivisions shall be L-back curbs twenty-four (24) inches in overall width, six (6) inches thick, and shall have an eighteen (18) inch gutter. Rollback curbs may be installed with County engineer approval.
  4. Curbs and gutters immediately adjacent to the major travel lane along roadways with a posted speed limit of forty-five (45) miles per hour or greater shall be L-back curbs thirty (30) inches in overall width, six (6) inches thick, and shall have a twenty-four (24) inch gutter. Curbs and gutters shall be per GDOT Standard 9032B.
  5. All curbs shall be constructed of Portland cement concrete.

6. Curbs shall be designed to provide handicapped access at street intersections wherever sidewalks are constructed.
- C. Street grade standards.
1. Grades on major and minor arterials shall not exceed five (5) percent, and grades on local residential streets shall not exceed twelve (12) percent.
  2. All changes in grade shall be connected by vertical curves which adhere to the design criteria as set forth by the latest edition of AASHTO Guide, A Policy on Geometric Design of Highways and Streets.
- D. Radius of horizontal curves. The radius of horizontal curves on local residential streets within a subdivision shall be no less than two hundred (200) feet. The horizontal radius for collector and arterial streets or any streets with a design speed of more than twenty-five (25) miles per hour shall comply with the latest edition of the American Association of State Highway and Transportation Officials (AASHTO) standards. The radius of horizontal curves on local commercial and industrial streets within a subdivision shall be no less than three hundred (300) feet.
- E. Street intersection standards.
1. Street intersections shall be as nearly at right angles as possible.
  2. In residential subdivisions, no intersection shall be at an angle of less than eighty (80) degrees or more than one hundred (100) degrees.
  3. Street intersections in commercial and industrial subdivisions shall be at an angle of not less than ninety (90) degrees, if at all possible. At the County engineer's discretion, street intersection angle may be allowed to be between eighty (80) degrees and one hundred (100) degrees.
  4. The minimum curb radius at street intersections shall not be less than twenty-five (25) feet in residential subdivisions. For streets/roadways to have a dual lane exit, the exit curb radius shall not be less than seventy-five (75) feet. Where a County collector or an arterial roadway intersects with another County collector or arterial roadway, the minimum radii at the intersection shall be fifty (50) feet.
  5. The minimum curb radius of street intersections for industrial and commercial subdivisions shall be fifty (50) feet. For commercial/industrial streets/roadways to have a dual lane exit, the exit curb radius shall not be less than seventy-five (75) feet.

6. Pedestrian ramps shall be designed for all intersections in accordance with standard drawings for subdivisions and residential developments designed to include sidewalks and shall meet the minimum standards of the Georgia Accessibility Code, Chapter 120-3-20 of The Rules and Regulations of The Georgia Safety Fire Commissioner. The curb shall be de-pressed to accommodate future installations at the same time as the curb.
  7. Interior subdivision street intersections shall have a minimum centerline offset of at least one hundred twenty-five (125) feet when not aligned directly across from one another. See subsection 6.01.05C. for requirements of intersection offsets on roadways with posted speed limits over thirty (30) mph.
- F. Minimum tangent lengths. The minimum tangent lengths on roadways with superelevation shall be governed by the minimum runoff and runout lengths necessary to adequately transition the superelevation rates required for the curvature based on the design speed and maximum allowable superelevation rate of the roadway. Design speeds, typical sections of roadway, maximum superelevation rates, and other roadway design items are to be set by the County engineer on an individual roadway basis. The minimum tangent length on commercial and industrial subdivision streets is one hundred (100) feet.
- G. Dead end street. Local streets designed to have one (1) end permanently closed and not connected with any existing street, proposed future street, or not intended to extend to the property line of an adjacent tract shall be no longer than 1,000 feet unless necessary due to the topographic or other physical conditions of the property.
1. Permanent dead-end streets shall be joined by a cul-de-sac with a paved turnaround having an outside diameter of eighty (80) feet (40-foot radius) and a right-of-way of at least one hundred ten (110) feet diameter.
  2. Stub streets which are intended to provide access for future development within a tract of land or adjacent tracts shall be required to have a temporary turnaround area having a diameter of at least eighty (80) feet, consisting of six (6) inches of graded aggregate base.
  3. For subdivisions with a temporary turnaround, it shall be required of the applicant to provide a letter of credit equal to the cost of permanent cul-de-sac construction.
- H. Alleys. Alleys may be provided at the rear of lots in residential, commercial, and industrial subdivisions.

I. Right-of-way and pavement width standards.

Table 6.01.06(I). Right-of-way and Pavement Width Standards

Street Type	Minimum Required Right-of-Way (feet)	Required Pavement Width (feet)	
		With curbs	Without curbs
Major arterial	100*	52-53†	48*
Minor arterial	80*	28-29†	24*
Collector	80*	28-29†	24*
Local street			
Residential	50	26	Prohibited
Industrial	60	30	Prohibited
Commercial	60	28	Prohibited
Cul-de-sac			
Residential	80	80	Prohibited
Commercial/industrial	110	110	Prohibited
Alleys	0	20	20

\* The County may require additional right-of-way and pavement widths in specific situations. Roadways with medians and/or additional laneage will require extra right-of-way and pavement widths.

† Roadways with posted speed limits of forty (40) mph or forty-five (45) mph will require 30-inch curb and gutter.

J. Additional street system requirements for major subdivisions or commercial/industrial development.

1. Private streets are permissible with board of commissioner approval and shall meet and adhere to all County standards. Every subdivision with private streets shall have a mandatory homeowners' association.
2. Subdivisions that adjoin existing streets shall dedicate additional right-of-way if needed to meet the minimum street right-of-way requirements.
3. Any subdivision or development which has an entrance onto a state highway, major arterial, minor arterial, or collector County road shall provide lanes for deceleration, ingress, and egress. Design requirements of the GDOT shall be met on state roads, and design requirements of the County engineer shall be met on County roads.
4. Any subdivision or development which has an entrance onto a major arterial, minor arterial, or collector roadway shall be required to design and construct a left turn lane improvement if the criteria is met as stipulated in Chapter 4 of the GDOT Regulation for Driveway and Encroachment Control. The developer will also be responsible for acquisition of right-of-way as well as for the relocation of utilities.

5. The names of proposed streets shall not duplicate existing street names, irrespective of the use of the word "street," "avenue," "boulevard," "drive," "place," "court," etc., in the naming of the street.

**6.01.07 Construction requirements for residential and non-residential subdivision streets**

The grading, base, and pavement for street construction shall be as follows:

- A. Grading. All streets shall be graded to the elevations shown on the approved construction plans.
  1. The contractor may begin clearing and grubbing the project after:
    - a. A development permit has been issued by the City of Bainbridge;
    - b. A pre-construction conference has been held, the public works director or designee duly notified; and
    - c. All required erosion control measures have been installed and approved.
  2. Clearing and grubbing.
    - a. All trees, stumps, logs, roots, grass, weeds, poles, and other objectionable matter shall be cleared and grubbed from within the construction limits of the project.
    - b. A 30-foot undisturbed buffer shall be maintained on all property lines prior to submission of construction plans.
    - c. No rubbish or other material resulting from the clearing and grubbing of the roadway shall be buried at the site.
    - d. If burning is permitted, all burn pits shall be located outside of the roadway construction limits. After burning, the pit shall be cleared out. A County inspection is required prior to backfilling and must be shown on the final plat.
  3. Excavation.
    - a. All grading operations shall be planned and executed by the contractor in such a manner as to provide suitable subgrade material for the roadway with the top twelve (12) inches compacted to one hundred (100) percent maximum dry density, ninety-five (95) percent below the top.

- b. In areas where the material in place is not suitable for subgrades, these areas shall be undercut a minimum of twelve (12) inches and backfilled with suitable material.
  - c. All rock and boulders in the roadbed shall be excavated and the space backfilled to the correct grade with suitable material.
  - d. Any stones, broken rock, or boulders resulting from the grading of the roadway may not be placed in any roadway fill area except when approved by the division director or designee and then under his supervision.
  - e. During the construction of the roadway on a day-to-day basis, the roadbed edges shall be kept lower than the center, and the grading shall be done so that the surfaces of the excavated areas and fill shall be kept reasonably smooth and well drained. Adequate surface ditches shall be cut at the tops of cut slopes, extending to each end of the cuts in order to carry the water from the side hill. Side ditches or gutters emptying from cuts to fill areas shall be turned outward so as to prevent erosion of the fill slopes.
- 4. Placement of fill.
  - a. Fill construction shall not begin until all clearing and grubbing of the fill area has been completed.
  - b. All depressions in the ground shall be filled level with the adjacent surface using suitable material and compacted to the approximate density of the surrounding soil before placement of the fill begins.
  - c. The entire area upon which fill is to be placed shall be plowed, scarified, and finely broken up to a depth of a minimum of six (6) inches.
  - d. Before the placement of fill material begins, all loosened soil shall be compacted the approximate density of the underlying soil.
  - e. Where a depth of fill and surfacing is three (3) feet or less, the original ground shall be compacted a minimum twelve (12) inches deep to at least ninety-five (95) percent of the maximum laboratory dry density as determined from representative samples of the material being compacted.

- f. In areas where layers of organic or other unstable materials exist, the existing ground shall be excavated, for the full width of the fill area, to an underlying stable material. The subgrade thus created shall then be compacted to the approximate density of the underlying material.
  - g. All fill material shall be deposited and spread in uniform horizontal layers, not more than six (6) inches thick, for the full width of the fill area, and these layers shall be kept uniform by the use of graders, bulldozers or other approved equipment.
  - h. Each layer shall be compacted within the range of optimum moisture content necessary to achieve the compaction required. Material containing too much water shall be dried to the correct moisture content. If the material is too dry, water shall be added and uniformly mixed with the soil before it is compacted.
  - i. Fills shall be compacted to at least ninety-five (95) percent of the maximum dry density to within the top twelve (12) inches of the fill. The top twelve (12) inches of the fill shall be compacted to at least one hundred (100) percent of the maximum dry density.
  - j. The entire roadbed shall be scarified and compacted with a sheep's foot or other approved rollers.
  - k. While the work is in progress, contractor shall maintain the surface in a manner so that the excavation, fills, subgrade, base course, and ditches always present a smooth and even surface.
  - l. The contractor shall have available on the job at all times at least one (1) motor patrol grader with adequate power to blade and maintain the roadbed. Suitable scarifiers shall also be available for use whenever necessary.
- 5. Final finishing of roadway.
  - a. After all excavation has been completed and all fills have been placed, the entire road bed surface shall be finally shaped with a grading machine, supplemented with hand work whenever required, to secure a smooth surface and uniform cross-section.
  - b. Slopes of cuts and fills shall also be carefully shaped to the true section specified.
  - c. When final shaping is finished, the road surface shall conform accurately to the line, grade and cross section shown on plans,

and no roots, sod, grass, stones, or other unsuitable material shall remain in the top twelve (12) inches of the finished roadbed.

- d. All ditches and drains shall be opened to effectively drain the roadway.

B. Placement of curb and gutter.

1. After sanitary sewer lines have been installed, all storm drainage in place, and the final finishing of the roadway has been approved by the division director or designee, and the centerline profile has been approved, the installation of the concrete curb and gutter may begin.
2. All concrete curb and gutter shall be in accordance with section 6.01.06B.
3. Any curb and gutter which does not conform to a true section, texture, line, and grade shall be removed and replaced as directed by the division director or designee.
4. Water lines shall be installed after installation of the curb and gutter.

C. Subgrade.

1. Before placing any pavement base, the entire surface of the subgrade shall be plowed, harrowed, and mixed to a depth of at least six (6) inches. If a subgrade stabilization material is required, it shall be incorporated into the subgrade at this time.
2. After the material has been thoroughly mixed, the subgrade shall be brought into a proper line and grade and compacted to one hundred (100) percent of maximum dry density just prior to placing the base material.
3. The centerline profile shall conform to the established elevations with an acceptable tolerance of one-half ( $\frac{1}{2}$ ) inch.
4. The acceptance crown tolerance shall be one-half ( $\frac{1}{2}$ ) inch.

D. Base construction.

1. The division director or designee shall be notified twenty-four (24) hours prior to the placing of any base material.
2. The division director or designee may authorize the placing of the base material after all equipment necessary for the proper construction of the

road base is on the project and the subgrade has been brought to the proper line, grade and crown, and compacted to the required density.

3. The division director or designee shall check the completed base course after the base material has been placed and compacted to the required density. All areas found to be deficient shall be marked and corrected before any asphalt pavement is placed. Areas where the crown is found to exceed that which is specified, or the exposed edge of the concrete gutter is less than the minimum depth required, shall be reshaped and rolled to obtain the required cross-section.
4. After the compacted material has been approved, field tests shall be taken by the field contractor and development inspector, or by a professional engineer as directed by the public works director or designee to determine the thickness of the constructed base course. Tests shall be taken at four hundred (400) feet intervals alternating between each lane and center of roadway. Measurements shall be taken per GDOT-42, Method of Test for Measurement of Thickness of Bases and Subbases. Areas found to be deficient in thickness shall be corrected as directed by the division director or designee. No asphalt course shall be placed until deficiencies in base have been adequately addressed.
5. A copy of all delivery tickets for the graded aggregate base material shall be furnished prior to placing any asphaltic concrete paving material. A shortage in the base material used shall require that the asphaltic concrete surface course thickness be increased.
6. All work and materials shall be in accordance with the pertinent Graded Aggregate Construction sections of the Georgia Department of Transportation "Standard Specifications," latest edition.

E. Soil cement.

A soil cement base may be used to improve the subgrade with approval by the County engineer but shall not be used as a substitute for base construction. Soil testing and mix design must be performed by the developer and approved by the County engineer.

F. Paving.

1. The contractor shall begin the construction of the asphaltic concrete pavement upon approval of the road base by the division director or designee.
2. All asphaltic concrete material and construction shall be in accordance with the "hot mix asphaltic concrete construction" sections of the

Georgia Department of Transportation "Standard Specifications," latest edition.

3. The public works director or designee shall check the cross section of the finished pavement. Any area found to be deficient shall be marked and a record of deficiencies made by the division director or designee.
4. If, in the opinion of the public works director or designee, the extent of deficiencies will impair the performance of the pavement, he shall direct that an overlay of a minimum thickness of one (1) inch be placed before the roadway is opened to traffic.
5. A copy of the delivery tickets for the asphaltic concrete material used shall be furnished to the division director or designee at the time of completion of the work. If the delivery tickets indicate a shortage in the material used from the quantity estimated, the division director or designee may require a minimum one (1) inch overlay of the streets.
6. As mentioned in subsection 6.01.07D.4., the GAB (Base) thickness is to be measured and accepted by the County prior to placement of any asphalt course. The applicant shall have core tests made to verify the thickness and compaction of the asphalt pavement course. The minimum core diameter shall be such that compaction of the sample can be determined in the lab and subsequent data supplied to the division director or designee. The compaction of the course shall be required to meet GDOT specifications per the asphalt mix placed. If a two (2) course asphalt section is required, the cores for the binder layer shall be cut, reviewed, and approved by the division director or designee prior to placement of the topping lift. Also, in the event that a two (2) course asphalt section is required, the cores for the topping lift, if between one and one-half ( $1\frac{1}{2}$ ) inch and one and one-quarter ( $1\frac{1}{4}$ ) inch in thickness, shall be made to determine the thickness only. All cores shall be made on four hundred (400) feet intervals, alternating between each lane and center of roadway. If these cores indicate a deficiency in thickness or compaction of the asphalt pavement, an overlay shall be required when the following deficiencies occur:
  - a. When the number of cores deficient in thickness within the allowable one-quarter ( $\frac{1}{4}$ ) of an inch tolerance, or deficient in compaction, exceeds thirty-five (35) percent of the total cores taken on one (1) street.
  - b. When two (2) or more consecutive tests show a deficiency of more than one-quarter ( $\frac{1}{4}$ ) of an inch allowable tolerance or a deficiency in compaction. When a core shows a deficiency in excess of the

allowable tolerance or compaction, additional cores shall be taken to delineate the area of the deficient thickness/compaction.

7. The applicant shall correct any deficiency with an overlay extending a minimum of one hundred fifty (150) feet beyond the outer limits of the deficient area for the full width of the street. Smooth, neat joints shall be saw cut normal to the roadway for full depth of asphalt pavement, removing the original pavement for a minimum of ten (10) feet at each end of the overlay. The thickness of the overlay shall be determined by the depth of the deficient area and shall not be less than one and one-quarter ( $1\frac{1}{4}$ ) inch in compacted thickness. The type of material used in the overlay shall be specified by the division director or designee.
- G. Shoulder and drainage improvements. After the paving has been inspected and approved, the pavement edges or behind the curb and gutter shall be backfilled and compacted and the ditches and back slopes properly graded, shaped, seeded and mulched. An eighty (80) percent stand of grass shall be obtained. All swales and ditches excavated below required depth shall be backfilled and compacted to ninety-five (95) percent of maximum dry density.
- H. Compliance with minimum standards. Road design and construction for residential subdivisions shall comply with the minimum standards shown below in subsection 6.01.07I. Acceleration and deceleration lane construction shall comply with the standards set forth in subsection 6.01.07K. For roadways with more than one hundred fifty (150) lots of contributing traffic, a pavement design is to be done and submitted to the County engineer for review. The GDOT Asphalt Pavement Design program is an accepted method for the pavement design submittal for roadways with more than one hundred fifty (150) lots of contributing traffic.

I. Table of Residential Subdivision Street Roadway Standards.

Table 6.01.07(I). Residential Subdivision Street Roadway Standards.

Roadway Standards	Specifications
Surface topping (plant mix) for roadways with 0 to 75 lots contributing traffic	2-inch 12.5 mm superpave mix with hydrated lime (Level 1), 220 pounds per square yard
Surface topping (plant mix) for roadways with more than 75 lots contributing traffic	1½-inch 12.5 mm superpave mix with hydrated lime (Level 1), 165 pounds per square yard
Tack coat	0.04 - 0.06 GAL/Square yard
Asphalt (binder course) for roadways with more than 75 lots contributing traffic	2-inch 12.5 mm superpave mix or 19 mm superpave mix with hydrated lime (Level 1), 220 pounds per square yard
Prime application to base course	0.20 - 0.25 GAL/Square yard
Curbs/shoulder and ditch construction	24-inch × 6-inch concrete "L" back curb 18-inch gutter; 6 inches high, 6-inch curb width
Base construction	6-inch base (graded aggregate); 100 percent dry density compaction
Subgrade	Top 12-inch subgrade compacted to 100 percent dry density
Street width	26 feet back of curb to back of curb
Asphalt pavement width	22 feet
Street grade	12 percent maximum on subdivision streets; 4 percent maximum grade at intersections - 100 feet from curb line
Turnaround area	40 feet radius cul-de-sac pavement; 80 feet diameter
Intersections	25 feet pavement radius at intersection within subdivision; 25 feet pavement radius required where intersecting existing county or state roads. 75 feet exit curb radius when designing a dual lane exit.
Right-of-way	50 feet right-of-way minimum for local streets (additional right-of-way and/or slope easements may be required for cut and fill areas); 110 feet diameter right-of-way for cul-de-sac. A 5-foot utility easement is required along all street rights-of-way.
Fill areas and back slopes	2:1 maximum slope allowed (2:1 or flatter)
Storm sewers and cross drains	See section 6.04.03 and 6.04.04 for pipe specifications and minimum requirements for pipe types listed. Pipe location and size approved by development plan review and stormwater management.
Grassed areas	See Soil Erosion, Sedimentation and Pollution Control Ordinance
Core testing	Core samples shall be taken as directed (at applicant's expense) to determine thickness of base and pavement. See sections 6.01.07D.4. and 6.01.07F.6.
Letter of credit or bond	2-year maintenance letter of credit or bond on all improvements within public right-of-way (streets, sidewalks, storm sewer, catch basins, cross drains) and stormwater detention facilities; On phased developments, certain sections may require a renewed letter of credit or bond if used for construction access to newer phases.

- J. Design and construction requirements. The design and construction requirements for subdivision developments for industrial, commercial, or office use and urban streets which are to be County arterial roads shall:
1. Be required to have concrete curb and gutter along each side in accordance with section 6.01.06B.
  2. Comply with the minimum standards shown below in subsection 6.01.07K.
- K. Table of Industrial, Commercial, and Office Subdivision Street Construction Standards.

Table 6.01.07(K). Industrial, Commercial, and Office Subdivision Street Construction Standards

Roadway Standards	Specifications
Surface topping plant mix	1½-inch 12.5 mm superpave mix with hydrated lime (Level 1) asphalt topping, 165 pounds per square yard
Tack coat	0.04 - 0.06 GAL/YD
Binder (office and commercial)	3-inch 19 mm superpave mix with hydrated lime (Level 1), 330 pounds per square yard
Binder (industrial)	4-inch 25 mm superpave mix with hydrated lime (Level 1), 440 pounds per square yard or 2 2-inch lifts of 19 mm superpave mix with hydrated lime (Level 1), 220 pounds per square yard, per lift.
Curb and gutter required	24 × 6-inch concrete "L" back curb; 18-inch gutter; 6-inch high; 6-inch curb width.
Base construction (office and commercial)	8-inch base (graded aggregate), compacted to 100 percent maximum dry density.
Base construction (industrial)	10-inch base (graded aggregate), compacted to 100 percent maximum dry density. To be on decel/accel also for industrial.
Street width (office and commercial)	28 feet back of curb to back of curb.
Street width (industrial)	30 feet back of curb to back of curb.
Asphalt pavement width (office and commercial)	24 feet.
Asphalt pavement width (industrial)	26 feet.
Street grade	8 percent maximum on industrial/commercial streets; 2 percent maximum grade at intersections; 100 feet from curb line.
Turnaround area	55 feet radius cul-de-sac pavement; 110 feet diameter.
Intersections	50 feet pavement radius at intersections; 50 feet straight section from curved streets required; 75 feet exit curb radius when designing a dual lane exit.
Driveway entrances	GDOT specifications
Right-of-way	60 feet right-of-way minimum; additional right-of-way or slope easement may be required for cut and fill areas; 150 feet diameter right-of-way for cul-de-sac. A 5-foot utility easement is required along all street rights-of-way.
Fill areas and back slopes	2:1 maximum slope allowed.
Storm sewers and cross drains	See sections 6.04.03 and 6.04.04 for pipe specifications and minimum requirements for pipe types listed. Pipe location and size approved by development plan review and stormwater management.
Grassed areas	Shall comply with the Soil Erosion, Sedimentation and Pollution Control Ordinance
Core testing	Core samples shall be taken as directed (at applicant's expense) to determine thickness of base and pavement. See subsections 6.01.07D.4. and 6.01.07F.6.
Maintenance letter of credit or bond	3-year maintenance letter of credit or bond on all improvements within public right-of-way (streets, sidewalks, storm sewer, catch basins, cross drains) and stormwater detention facilities. On phased developments, certain sections may require a renewed letter of credit or bond if used for construction access to newer phases.

**6.01.08 Improvements to existing streets and rights-of-way for residential, commercial and/or industrial developments**

- A. Existing unpaved road. Any unpaved road upon which a development has frontage and access shall be widened and paved, according to the functional class of the road, as set forth in subsection 6.01.07I. along the frontage\* of the development to the nearest intersection with a paved County road. The minimum right-of-way required according to subsection 6.01.06I. shall be dedicated along the entire frontage of the development back to the nearest intersection in which the roadway is to be improved. In addition to the design, construction, and right-of-way acquisition, the developer shall also be responsible for relocation of utilities. Where a development has frontage, but does not provide access to an unpaved road, the developer shall preserve right-of-way along the development's frontage for future improvements to the roadway.

\* In instances where improving a roadway to the limits of the frontage causes for an undesirable termination point for the improved roadway (i.e., alignment issues, topographic issues, etc.), the improvement shall be required to be further extended in order to provide for an acceptable tie-in to the existing roadway.

- B. Existing paved road. Any existing paved County road upon which a development has frontage and access and which is deficient relative to County specifications (see Tables 6.01.07(I) and (K)) shall be widened and resurfaced from the limit of the frontage back to the nearest roadway meeting Decatur County standards as determined by the County engineer for the entire frontage of the development. The minimum right-of-way required according to subsection 6.01.06I. shall be dedicated along the entire frontage of the development.

**6.01.09 Visibility at intersections**

- A. Corner lots. On corner lots, no fence, shrubbery or other obstruction shall be placed within the sight line triangles that blocks or disrupts the line of sight based on a driver eye height of three and one-half (3.5) feet located fourteen (14) feet from edge of travel lane (when there is a deceleration lane, the driver eye height shall be located fourteen (14) feet from edge of decel lane) and an object height of three and one-half (3.5) feet located in the center of each respective lane. The minimum distances required are shown in Table 6.01.09(B). However, street signs, streetlights, mailboxes, or similar shall be permitted within the sight line triangles.

B. Intersection sight distance for all streets.

1. Curb cuts shall be placed so as to provide for the minimum intersection sight distance based on the intersecting road's posted speed limit. The intersection sight distance is measured using a driver eye height of three and one-half (3.5) feet and an object height of three and one-half (3.5) feet with the driver eye height being located fourteen (14) feet beyond the edge of the travel lane (when there is a deceleration lane, the driver eye height shall be located fourteen (14) feet from edge of decel lane) and an object height of three and one-half (3.5) feet located in the center of each respective oncoming lane.
2. Table of minimum intersection sight distances relative to design speed posted on streets are:

Table 6.01.09(B). Intersection Sight Distance for 2-lane Roadway

Speed (MPH)	25	30	35	40	45	50	55
Stopping sight distance	280	335	390	445	500	555	610

C. Stopping sight distance for all streets.

1. Minimum street centerline stopping sight distance shall be designed relative to the design speed of the street and shall be measured above the street centerline using a driver eye height of three and one-half (3.5) feet and an object height of six (6) inches.
2. Table of minimum centerline stopping sight distances relative to design speed posted on streets are:

Table 6.01.09(C). Stopping Sight Distance

Speed (MPH)	0-25	30	35	40	45	50	55
Centerline sight distance (stopping distance in feet)	150	200	225	275	325	400	450
Minimum crest curve "k" value	20	30	40	60	80	110	150
Minimum sag curve "k" value	26	37	49	64	79	96	115

Note: As info concerning the above minimum crest "k" values, where there is an intersecting street on or near the vertical curve, the minimum "k" value may not provide for the minimum intersection sight distance requirement. If this is the case, the "k" value for the crest curve will need to be increased in order to obtain the minimum intersection sight distance required.

**6.01.10 Street names and signs requirements**

**A. Street names.**

1. All proposed street names within the County for new roads or roads within commercial, industrial, or residential subdivisions shall be approved by the County's technical review committee during the preliminary plat review process or prior to recording of the road and its right-of-way deed.
2. Any request to change the name of an existing road shall be submitted to the division director or designee for review and approval, with the board of commissioners having final approval of the change.

**B. Street signs.**

1. All required street name signs, traffic control signs and other traffic control devices shall be installed at the developer's expense.
2. The design and placement of all traffic control devices shall meet the requirements of the Manual On Uniform Traffic Control Devices (MUTCD), latest edition. The design professional shall show the placement of all required traffic control signs and features on the plans for review and approval by the County engineer.
3. If nonstandard signposts, holders, etc. are installed, they will not be maintained by Decatur County. Either the developer or a legally established homeowners association will be responsible for the maintenance of these posts, holders, etc. All nonstandard posts, holders, etc. must be approved by the County prior to installation.

**6.01.11 Off-street parking and service facilities standards**

**A. Scope of article.**

This article covers specifications for off-street parking and service facilities in the County.

**B. General standards for parking space design.**

1. Spaces must not be reduced. Off-street parking spaces must not be reduced below the minimum required number for the use or facility to which they are assigned.
2. Drainage, construction and maintenance. All off-street parking, loading and service areas must be drained so as to prevent damage to abutting

properties and/or public streets and must be paved with asphalt or concrete. All such areas must be at all times maintained at the expense of the owners in a clean and orderly condition to the extent that it does not create a nuisance. Outdoor storage yards located in the rear yard and interior drives intended for employees only that are contained in industrial areas may be surfaced with gravel, with approval by the Planning Director.

3. Separation from walkways, sidewalks and streets. All off-street parking, loading and service areas must be separated from walkways, sidewalks and streets by curbing or other suitable protective devices.
4. Parking area design. Parking stalls must have a minimum width of nine feet and length of 18 feet. There must be provided adequate interior driveways to connect each parking space with a public right-of-way. Interior driveways must be at least 24 feet wide where used with 90-degree angle parking, and at least 14 feet wide where used with 45-degree angle parking, and at least 12 feet wide where used with parallel parking. Where there is no parking, interior driveways must be at least 12 feet wide for one-way traffic movement and at least 24 feet wide for two-way traffic.
5. Joint parking facilities. Two or more neighboring uses of the same or different types may provide joint parking facilities as long as the number of off-street parking spaces are not less than the sum of the individual requirements.
6. Pavement markings and signs. Each off-street parking space must be clearly marked, and directional arrows or signs must be provided wherever necessary. Markers, striping, directional arrows and signs must be properly maintained so as to ensure their maximum efficiency.
7. Outdoor lighting of off-street parking areas shall be directed away and shielded from abutting residential structures and all rights-of-way. All free standing outdoor lighting fixtures erected on private property having a non-residential use shall have a maximum height of forty-five (45) feet. All free standing outdoor lighting fixtures erected on private property having a residential use shall have a maximum height of thirty-five (35) feet.

C. Number of parking spaces required.

Off-street parking space must be provided and maintained as specified in the following tables. For uses not specifically listed in this section, the parking requirements for the listed use most similar to the unlisted use in question, as determined by the Planning Director, will apply. Parking requirements by use are as follows:

Table 6.01.11(A). Parking Space Requirements.

Off-Street Parking Requirements by Land Use			
USE	STD	USE	STD
<b><u>RESIDENTIAL</u></b>		<b><u>INSTITUTIONAL</u></b>	
Dwelling, Single-Family	P-1	Child Care — Home and Facility	P-4
Dwelling, Two-Family	P-1	Church, Synagogue, Place of Worship	P-16
Dwelling, Multi-Family	P-2	Club	P-9
Accessory Apartment	P-2	Community Care Home	P-6
Housing for the Elderly	P-3	Hospital	P-5
Family Care — Home	P-4	Nursing Home	P-5
Child Care — Home	P-4	Public Assembly Hall or Area	P-16
Dormitory	P-6	Elementary or Middle School	P-20
Boarding/Rooming House	P-7	High School	P-21
Other Residential Uses	P-1	Academic Institution	P-22
		Other Institutional Uses	P-17
<b><u>LODGING</u></b>			
Bed and Breakfast	P-7	<b><u>TRANSPORTATION/UTILITIES</u></b>	
Hotel, Motel	P-7	All Transportation/Utility Uses	P-15
Inn, Tourist Home	P-7		
		<b><u>INDUSTRIAL USES</u></b>	
<b><u>COMMERCIAL USES</u></b>		All Industrial Uses	P-15
Business Services	P-11		
Doctor's Office	P-18	<b><u>RECREATIONAL USES</u></b>	
Eating and Drinking Establishment	P-13	Theater	P-9
Funeral Home	P-14	All other Recreational Uses	P-8
Medical Clinic	P-18		
Office	P-11	<b><u>OTHER</u></b>	
Personal Services	P-11	Agricultural or Forestry Use	P-15
Retail Sales	P-11	Agricultural or Forestry Sales	P-11
Retail Furniture/Carpet	P-23	Animal Care/Veterinarian	P-11
Theater	P-9	Animal Exhibit	P-17
Warehouse	P-15	Animal Rehabilitation Center	P-11
Other Commercial Use	P-17	Quarry	P-15
		Stable, Public	P-8
		Storage of Quarry, Sand or Gravel Pit Products	P-15
		Any other use not otherwise named	P-17

Table 6.01.11(B). Parking Space Requirements.

Off-Street Parking Standards			
STD	Number of Required Parking Spaces	STD	Number of Required Parking Spaces
P-1	1.5 per dwelling unit	P-11	1 per each 400 sq. ft. of net floor area
P-2	(a) 1 per dwelling unit for spaces with unobstructed access	P-12	Reserved
	(b) 2 per dwelling unit for spaces with obstructed access (See Note 2)	P-13	1 per every 3 seats (including bar stool)
P-3	1 per each 3 dwelling units	P-14	1 per each 75 sq. ft. of floor area open to the public in the conduct of business
P-4	1 per 8 children at peak hour plus 1 per employee (See Note 3)	P-15	1 per each 1.2 employees (See Note 3)
P-5	1 per every 2 nonresident employees	P-16	1 per 4 persons at maximum occupancy capacity of principal
P-6	1 per 3 beds and 1 per employee (See Note 3)	P-17	1 per 250 sq. ft. floor area plus 2
P-7	1 per lodging unit, hotel/motel room	P-18	4 per practitioner at peak hour
P-8	1 per 8 persons (See Note 4)	P-19	Reserved
P-9	1 per 4 seats	P-20	1.5 per staff at peak hour
P-10	1 per each 250 sq. ft. of floor area	P-21	1 per 4 students at max. capacity
		P-22	1 per 2.5 students at max. capacity
		P-23	3 per 1,000 sq. ft. plus 2

Notes to Table B

1. Calculations will be rounded up to the next whole number.
2. The first space of each unit has unobstructed access and the second for each unit is accessed through the first space for that unit.
3. The number of employees is based on the highest average employee occupancy.
4. The number of persons is based on maximum capacity.

D. Number of loading spaces required.

Manufacturing, industrial, wholesale and retail operations must provide loading space as follows:

1. Spaces appropriate to functions. Off-street loading spaces must be provided as appropriate to the functions and scope of operation or individual or groups of buildings and uses. The following must be provided as a minimum:
  - a. Retail business: One (1) space, ten (10) feet by twenty-five (25) feet, for each three thousand (3,000) square feet of floor area or any part thereof.
  - b. Manufacturing, wholesale and industry: One (1) space, ten (10) feet by fifty (50) feet, for each ten thousand (10,000) square feet of floor area or any part thereof.
2. Design of loading spaces. Off-street loading spaces must be designed and constructed so that all maneuvering to park vehicles for loading and unloading can take place entirely within the property lines of the

premises. Loading spaces must be provided so as not to interfere with the free, normal movement of vehicles and pedestrians on public rights-of-way. Such space shall have at least fourteen (14) feet of vertical clearance.

3. Ingress and egress. Ingress and egress to off-street loading spaces must conform to curb cut requirements specified in this article.

## **6.02.00 BOARD OF HEALTH REQUIREMENTS**

### **6.02.01 General**

Reserved.

### **6.02.02 Onsite sewage management systems**

The rules and regulations of the state Department of Public Health entitled and published as Chapter 511-3-1 Onsite Sewage Management Systems as they may be amended from time to time are hereby adopted.

### **6.02.03 Additional requirements for onsite sewage management systems**

- A. No building permit shall be issued by the County without the approval of the Decatur County Board of Health for a proposed private septic tank or onsite sewage disposal system.
- B. Community or shared sewage disposal systems may be approved at the discretion of the board of health.
- C. In addition to section 6.02.03B. above, community or shared sewage disposal systems with a capacity greater than 10,000 gallons per day shall require approval of Georgia EPD.

## **6.03.00 REQUIREMENTS REGARDING SANITARY SEWER, POTABLE WATER, FIRE PROTECTION AND OTHER UTILITIES**

### **6.03.01 Sanitary sewer**

- A. The developer shall be responsible for installing adequate public sanitary sewer facilities when such sewerage lines are available for connection to serve all existing and proposed buildings in the subdivision.
- B. Any residential dwelling, commercial establishment or industrial establishment shall be connected to public sewer when sewerage lines are available within two hundred (200) feet for connection. Connection shall be at the cost of the property owner and in accordance with the policies and procedures of the applicable water and sewer utility provider.

- C. Where public sanitary sewer systems are not available, onsite sewage disposal systems (i.e., septic tank) shall be installed, subject to approval by the Department of Public Health and provided that the lots conform to all requirements of this UDO.

#### 6.03.02 Potable water

- A. If a public water supply is available to a proposed subdivision and connection to it is permitted, water mains, fire hydrants, and stub connections to each lot within the subdivision must be provided as shown on approved construction plans before any building permits shall be issued.
- B. All public water facilities shall be installed subject to the policies and procedures of the applicable water and sewer utility provider.
- C. If a public water supply is not available, the owner/developer may install a community water system developed according to plans and specifications shown on the approved construction plans and approved by the Environmental Protection Division of the Georgia Department of Natural Resources.
- D. No building permit shall be issued by the Building Official without the approval of Decatur County Health Department for a proposed private well, if applicable.

#### 6.03.03 Fire protection

- A. Fire protection

The placement of fire hydrants within a subdivision or parcel of land deemed necessary for the protection of buildings, homes, facilities, or other property types shall be required, with hydrant placement at locations such that each structure is not further than five hundred (500) feet from such hydrant. When six inch (6") public water lines are available within one thousand (1,000) feet from any portion of the subdivision, the developer/property owner shall assume all costs of extending such lines to the subdivision such that no structure within the subdivision is more than five hundred (500) feet from a hydrant. Refer to the current edition of the International Fire Code, Appendix B, for minimum fire-flow requirements.

- B. Location of hydrants

- 1. Subdivisions. All fire hydrants will be placed within five hundred (500) feet of each structure, as determined by the fire inspector, at the time of plan review for the construction plat.

2. Industry and business. The location, number and distribution of fire hydrants will be determined by the fire inspector, referencing the current edition of the International Fire Code, Appendix C.

C. Water line size

All fire hydrants will be installed on water lines no less than six (6) inches in diameter, unless approved by the fire chief. Fire-flow requirements will dictate the actual water line to be installed.

D. Fire hydrant type

All fire hydrants shall be Mueller brand, Super-Centurion 250, Number A423, 3-way hydrants. All shall include two (2) two and one-half inch (2 1/2") hose outlets and one (1) pumper hose connection.

E. Inspection

Notification shall be made by the developer to the fire inspector after installation of fire hydrants has been completed. All installations shall meet N.F.P.A. 24 and 25 requirements, with completed inspection and test reports provided to the fire inspector before the final plat is submitted. The fire inspector will inspect the hydrants to ensure proper bury depth, location, and usability.

## 6.04.00 REQUIREMENTS REGARDING DRAINAGE AND STORMWATER MANAGEMENT

### 6.04.01 Generally

- A. *Intent.* The intent of section 6.04.00 is to provide standards and criteria 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. Proper management of post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment, and general welfare of the public, and protect water and aquatic resources.

- B. *Purpose.*

1. Require that new developments and redevelopments 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, increases in stream temperature, and maintain the integrity of stream channels and aquatic habitats;
2. Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
  3. 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;
  4. Encourage the use of nonstructural stormwater management and stormwater better site design practices, such as the preservation of green space, conservation areas and floodplain to the maximum extent practicable;
  5. Coordinate site design plans with other standards in the UDO that address resource protection, erosion control and the connectivity of open space; and
  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.
- C. *Applicability.* No owner or developer shall perform any land development activities without first meeting the requirements of this ordinance prior to commencing the proposed activity. The standards and requirements of section 6.04.00 shall be applicable to all land development meeting the standards in subsection 6.04.01C.1. through 5., where a development plan, subdivision plat, or an application for a grading or land disturbance permit is required, unless specifically exempt pursuant to paragraph D., below.
1. New development that involves the creation of five thousand (5,000) square feet or more of impervious cover;
  2. New development that involves one (1) acre or more;
  3. Redevelopment that includes the creation or addition of five thousand (5,000) square feet or more of impervious cover;
  4. Redevelopment that involves one (1) acre or more; and
  5. Land development activities that are smaller than the minimum applicability criteria set forth in paragraphs C.1. through 4. 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.

D. *Exempt activities.* The following activities are exempt from the requirements of section 6.04.00:

1. An individual single-family residential dwelling unit on a legal lot of record;
2. Additions or modifications to existing single-family or duplex residential structures; and
3. Agricultural or silvicultural land management activities.

#### **6.04.02 Stormwater management plan requirements**

A. An application for development activity as defined in subsection 6.04.01C. above shall be accompanied by a stormwater management plan and an inspection and maintenance agreement regarding ongoing maintenance of the stormwater management facilities.

Stormwater management plans should authorize, but not obligate, the County to perform maintenance when the board of commissioners determines that doing so is in the best interest of the public welfare of the County. Where the County is required to maintain stormwater management facilities, it shall be entitled to assess the reasonable cost of such maintenance against the owner of the facility.

- B. 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 section 6.04.00.
- C. The stormwater management plan shall be in accordance with the criteria established in section 6.04.00. The plan shall contain the stamp and signature of a professional engineer licensed in the state of Georgia, who must verify that the design of all stormwater management facilities and practices meet/exceed the level of standard practice.
- D. The plan shall consist of maps, narrative, and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system.
- E. The following information is required, at a minimum:
1. Existing conditions hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include:

- a. A topographic map of existing site conditions with the drainage basin boundaries indicated;
  - b. Acreage, soil types and land cover of areas for each subbasin affected by the project;
  - c. All perennial and intermittent streams and other surface water features;
  - d. All existing stormwater conveyances and structural control facilities;
  - e. Direction of flow and exits from the site;
  - f. Analysis of runoff provided by off-site areas upstream of the project site; and
  - g. Methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology.
2. For redevelopment sites, predevelopment conditions shall be modeled using the established guidelines for the portion of the site undergoing land development activities.
  3. A post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include:
    - a. A topographic map of developed site conditions with the post-development drainage basin boundaries indicated;
    - b. Total area of post-development impervious surfaces and other land cover areas for each subbasin affected by the project;
    - c. Calculations for determining the runoff volumes that need to be addressed for each subbasin for the development project to meet post-development stormwater management performance criteria;
    - d. Location and boundaries of proposed natural feature protection and conservation areas (see Chapter 3);
    - e. Documentation and calculations for any applicable site design credits that are being utilized; and
    - f. 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 fifty (50) percent of the site area for the entire site, then the performance criteria shall be met for the stormwater runoff from the entire site.
- The description, scaled drawings, and design calculations for the proposed post-development stormwater management system, which shall include:
  - A map and/or drawing 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 (0) 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 (2-100 year design storm events);
  - Documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria; NOTE: The outlet structure and outfall discharge pipe for any detention/retention pond shall include an emergency overflow provision that is designed to safely pass the 100-year storm event without overtopping the dam.
  - 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.
- A downstream peak flow analysis is required, 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 ten (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 stormwater design manual.

6. An erosion and sedimentation control plan that meets the requirements of section 3.06.05C.
7. 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 shall 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, and 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.
8. A minimum 20-foot easement shall be provided to ensure access from a public right-of-way to the stormwater management facilities. Such access shall be sufficient for all necessary equipment for maintenance activities. Depending on the depth of pipe, the drainage easement width may be required to be increased. Upon final inspection and approval, a plat or document indicating that such easements exist shall be recorded and shall remain in effect even with the transfer of title of the property.
9. Fences a minimum of four (4) feet in height will be required around all detention ponds where the depth of water in the pond is greater than three (3) feet. This fencing shall be chain-link or provided alternative material. The fence shall be designed, installed and maintained to allow the free flow of runoff and sediment into the facility. The fence shall include a gate of sufficient size (minimum 10' width) to permit entrance of equipment necessary to allow periodic maintenance activities. All fences and gates shall be located within the easement required by section 6.04.02E.9.

**6.04.03 Drainage standards for streets – Placement, location & design**

- A. The size, length, and location of all surface drainage pipes or structures shall be shown on all preliminary plats. All storm drain pipes or culverts carrying stormwater from the street and adjacent property or through lots in the subdivision shall be extended a minimum of ten (10) feet beyond the rear of the house or structure. Stormwater shall be released into a channel or swale without causing scouring, erosion, or resulting in sedimentation of the receiving channel. The outlet channel shall include structural and vegetative measures to assure nonerosive velocities of stormwater.
- B. Installations, backfilling, and compaction around drainage pipes shall be in accordance with GDOT specifications. All pipes shall have a minimum cover of eighteen (18) inches from the bottom of the road base, and head walls or inlet basins constructed at the ends of the pipes.
- C. The design of drainage structures shall be based on recognized hydrological formulae. Minimum pipe size shall be 18" for use within the public right-of-way.
- D. Piped collection systems for public streets (catch basins, inlets, cross drains, longitudinal piping) shall be designed for the 50-year storm.
- E. Road culverts, which carry live streams and off-site drainage, shall be designed for the 100-year storm.
- F. Cross drain pipes within the public rights-of-way shall be designed and constructed at or near a 90-degree angle with the roadway centerline. Where a slight skew is necessary, the pipe shall be placed within an 80- to 100-degree angle with the roadway centerline.
- G. Longitudinal pipes along a curved section of roadway shall be located on the inside of the curve to avoid pipe beneath the roadway footprint. In the event that the longitudinal pipe needs to be along the outside of the curve, the pipe shall be wholly located outside the limits of the curb and gutter by use of additional junction boxes. For pipes at a cul-de-sac location, all pipes shall be wholly located outside of the footprint of the curb and gutter that encircles the cul-de-sac.

**6.04.04. Drainage standard for streets – Materials and installation**

**A. Standard specifications.**

1. All of the materials, methods of the construction, and workmanship for the work covered in reference to stormwater conveyance facility construction shall conform to the most recent Standard Specifications of the Georgia Department of Transportation (Georgia DOT).
2. Allowable pipe material for all applications in drainage easements and public street rights-of-way, except as specified below, are aluminum-coated (Type 2) corrugated steel pipe (ASP), corrugated aluminum alloy pipe, smooth-lined corrugated polyethylene pipe (HDPE), or reinforced concrete pipe (RCP). Allowable pipe materials are indicated by an "X" in Table 6.04.04.
3. For roads constructed with public funds, either wholly or in part, or roads classified as major thoroughfares, materials which meet the Georgia DOT design standards shall be used unless an alternative is specifically approved by Decatur County public works.
4. Reinforced concrete pipe (RCP) shall be used under non-local roads when the ADT is greater than fifteen thousand (15,000) vehicles per day (vpd). Reinforced concrete pipe (RCP) or smooth-lined corrugated high density polyethylene (HDPE) pipe shall be used under non-local roads when the ADT is less than fifteen thousand (15,000) vpd.

The public works division may approve an alternative pipe material.

**B. Minimum pipe and pipe coating requirements. The type of pipe material used shall be in accordance with subsection 6.04.04A, standard specifications.**

1. Reinforced concrete pipe shall be in minimum eight-foot joint lengths. All joints shall be bell and spigot type, with a rubber gasket conforming to ASTM C-443. Pipe shall be manufactured in accordance with AASHTO M-170 and/or ASTM C-76. Class of pipe and wall thickness shall be in accordance with 1030-D, Georgia DOT specification, Table No. 1.
2. Aluminum-coated (Type 2) steel pipe shall comply with AASHTO M-274 for the coating and AASHTO M-36 for the pipe fabrication. Aluminum alloy pipe shall comply with AASHTO M-196 for material and fabrication.
3. Each end of each corrugated metal pipe section, to be joined by a coupling band, shall have a minimum of two (2) annular corrugations.

Coupling bands shall be so constructed to lap on an equal portion of each of the pipe sections to be joined. The connecting bands shall have a minimum of two (2) annular corrugations and fully engage, over the entire pipe periphery, one (1) corrugation on each pipe. Bands shall be fabricated from the same material as the pipe. The minimum band gauges for aluminum pipe and aluminized pipe shall be as specified in AASHTO M-196, Section 19, and AASHTO M-36, Section 9, respectively.

4. Gaskets may be required as determined by the County in the field, and shall be either sleeve type or O-ring type and shall meet the requirements for gaskets as specified in AASHTO M-36, Section 9.3.

C. Smooth interior corrugated polyethylene pipe.

1. This specification applies to high density polyethylene corrugated pipe with an integrally formed smooth interior (HDPE). HDPE pipe manufacturers shall be approved by the public works division.
2. This pipe shall conform to the requirements of AASHTO M-294, Type S.
3. Joints shall be as recommended by the manufacturer and approved by the County. Connections shall create a soil tight joint at a minimum and shall use a rubber gasket, which conforms to ASTM F-477.
4. Installation shall be in accordance with ASTM Recommended Practice D2321, AASHTO Section 30, or as specified by the County.

Certification from the manufacturer that the product was manufactured, tested, and supplied in accordance with this specification shall be furnished to the County upon request.

Table 6.04.04 — Allowable Pipe Use

Pipe Type		Reinforced Concrete Pipe	Metal Pipe		Plastic Pipe	
			Aluminized Type 2 Steel	Aluminum Alloy	Corrugated Polyethylene	Smoothed Lined High Density Polyethylene Type "S"
Specifications (See note 1)		ASTM C76, AASHTO M170	ASTM A760, A929; AASHTO M36, M274	ASTM B744, B745; AASHTO M196, M197, GDT17	AASHTO M252	ASTM F-2306; AASHTO M294 (see note 2)
Minimum thickness/class		Per GDOT Std 1030D	Per GDOT Std 1030D	Per GDOT Std 1030D	AASHTO M252	AASHTO M294
Type Installation						
Longitudinal		X	X	X		X
Cross drains on road w/over 15,000 ADT	Cross drain <10 percent slope	X				
	Cross drain >10 percent slope	Check w/ County Engineer concerning pipe type to be used when x-drain > 10 percent and ADT > 15,000				
Cross drains on nonlocal road w/less than 15,000 ADT	Cross drain <10 percent slope	X				X
	Cross drain >10 percent slope					X
Cross drains on local road (s/d road) w/less than 15,000 ADT	Cross drain <10 percent slope	X		X		X
	Cross drain >10 percent slope			X		X
Lateral systems		X	X	X		X
Slope drain			X	X		X
Perforated underdrain			X	X	X	X
Dams H > 9 feet and V > 20 Ac-Ft		X				
Perennial streams		X				X
Minimum allowable design velocity		2.5 fps	2.5 fps	2.5 fps	—	2.5 fps
Maximum allowable design velocity		15 fps	5 fps	15 fps	—	15 fps
Minimum soil pH/resistivity		—	6/1500 ohm/cm	—	—	—

Notes:

- 1) All pipe materials shall meet the minimum requirements of the Georgia Department of Transportation's Standard Specifications Construction of Transportation Systems, most current edition.
- 2) Allow smoothed-lined HDPE, Type S (AASHTO M294) pipe for storm (longitudinal and cross) and side drain applications through 48-inch diameter so long as roadway's ADT is less than fifteen thousand (15,000) vehicles per day.

D. Backfilling. Backfill for CSP, CAP, and HDPE pipe installations shall be constructed using graded aggregate base or crusher run six (6) inches below the bottom of pipe to twelve (12) inches above the pipe crown. Backfill for RCP pipe installations shall be constructed using graded aggregate base or crusher run six (6) inches below the pipe invert to one-quarter ( $\frac{1}{4}$ ) of the pipe diameter. Foundation backfill material shall be used for RCP above one-quarter ( $\frac{1}{4}$ ) of the pipe diameter (if graded aggregate base is not used above one-quarter ( $\frac{1}{4}$ ) of the pipe diameter) as per Type I or Type II, as specified in sections 812.01 and 812.02 respectively, in Georgia DOT Standard Specifications. These materials shall be placed in layers of not more than six (6) inches loose. Compaction of these materials shall be accomplished by hand tamping or machine tamping. Required compaction levels are as follows:

1. *Within street right-of-way.* Backfill within all street rights-of-way shall be compacted to ninety-five (95) percent maximum density, tested using the AASHTO Method T-99.
2. *In other areas.* Backfill in all other areas shall be compacted to ninety (90) percent maximum density, tested using the AASHTO Method T-99.
3. *Construction loads and minimum covers.* If drainage pipe is installed prior to the completion of grading, a minimum of four (4) feet of fill should be provided where needed to adequately protect the drainage structure during the land development phase, unless the structure itself is designed to withstand the anticipated live load during construction.

E. End finish.

1. Headwalls or other end treatments are required on all culverts and at the outlet of all piped collection systems. Where ends of pipe are located within, or near, the right-of-way and are parallel, or nearly parallel, with the roadway, safety end sections shall be required when the posted speed limit is thirty-five (35) mph and over.
2. Headwalls are to be precast concrete, stone masonry with reinforced concrete footings, or poured in place, reinforced concrete with reinforced concrete footings. Precast concrete headwalls for corrugated aluminum coated steel pipe or aluminum alloy pipe shall be made with aluminum coated steel or aluminum alloy pipe stubs.
3. End treatments that conform to the slope may be pre-cast concrete end sections, aluminum coated steel or aluminum alloy end sections, masonry, PE end sections, reinforced poured-in-place slope collars, or grouted rip-rap. Concrete and metal flared end sections shall conform to applicable Georgia DOT Standard Drawing 1120, 1122, or Detail D-39.

- F. Junction boxes and catch basins. Junction boxes and catch basins shall have metal manhole frames and lids for access.
- G. Other structures. Natural bottom arches and box culverts may be used in accordance with the latest standard specifications of the Georgia Department of Transportation. Bottomless culverts shall require that a scour analysis be done by a registered professional engineer in that field to Georgia Department of Transportation Specifications and Standards to ensure the soundness of the proposed structure.

#### 6.04.05 Driveway culverts

- A. Each site requiring a driveway pipe/culvert for access shall be analyzed for stormwater runoff flow patterns and sized for a minimum 25-year storm event by the design professional.
- B. Where a driveway pipe will be used in a stream crossing, the pipe shall be sized for a 100-year storm event by the design professional.
- C. The construction plans and the final plat shall show the minimum driveway pipe size required for each lot.
- D. Driveway culvert material shall conform to section 6.04.04 above.
- E. 4:1 taper on both ends of driveway pipe.

# CHAPTER 7

## ADMINISTRATION

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## 7.00.00 GENERALLY

The administrative offices and boards described in Chapter 7 are established for the purpose of implementing the provisions of the UDO. The committees, boards, and commissions described in this chapter shall have the powers and duties described necessary to achieve the purpose of this UDO.

## 7.01.00 ADMINISTRATIVE OFFICIALS

### 7.01.01 Planning Director

The Planning Director has the power and duty to provide the following services related to this ordinance:

- A. Provide initial information about this ordinance upon request.
- B. Advise how to contact members of the planning commission, the board of commissioners, or other officials as may be appropriate for services provided by those bodies or officials.
- C. Maintain official maps on public display.
- D. Offer practical suggestions on how to comply with the requirements of this ordinance.
- E. Maintain complete records concerning this ordinance and related matters and make such records available to the public upon request.
- F. Supervise all professional and clerical personnel employed in connection with the performance of the functions of the Planning Director.
- G. Serve as administrative secretary to the planning commission.
- H. Collect data and keep informed as to the best practices in order that s/he may be qualified to make recommendations to the planning commission and the board of commissioners concerning amendments to this ordinance.
- I. Make recommendations in regards to requests for variances and other decisions to the planning commission and board of commissioners.

## 7.02.00 PLANNING COMMISSION

### 7.02.01 Establishment

The Bainbridge-Decatur County Planning Commission has previously been established as a joint board of Decatur County and the City of Bainbridge. It is hereby authorized by the board of commissioners to serve as a planning commission and board of appeals for purposes of this UDO, subject to its bylaws and the provisions of this UDO.

### 7.02.02 Powers and duties

The Bainbridge-Decatur County Planning Commission has the power and duty to provide the following services related to this ordinance:

- A. Advise the board of commissioners on applications for amendment to this ordinance by examining amendment applications and providing written recommendations with reasons for the recommendations to the board of commissioners.
- B. Dispense general information about this ordinance to the public upon request.
- C. Propose amendments to this ordinance.
- D. Carry out an ongoing comprehensive planning program and propose amendments to the comprehensive plan.
- E. Authorize variances.
- F. Accept applications for appeal of administrative decisions.

## 7.03.00 BOARD OF COMMISSIONERS

### 7.03.01 Powers and duties

The board of commissioners has the power and duty to provide the following services related to this ordinance:

- A. Accept applications for amendment of this ordinance and render official decisions on them after referring them to the Bainbridge-Decatur County Planning Commission for review and recommendations.
- B. Propose amendments to amend this ordinance.
- C. Perform all duties and exercise all powers conferred on the board by law.

- D. Establish a Board of Appeals. In lieu of creating a board of appeals, the Decatur County Board of Commissioners may serve as a board of appeals. In such case, any references in this UDO to a board of appeals shall mean the Decatur County Board of Commissioners.

#### 7.04.00 NONCONFORMING LOTS, STRUCTURES, AND USES

##### 7.04.01 Generally

Invariably, at the time a land use ordinance is adopted or amended, certain uses which lawfully existed prior to the adoption or amendment will not conform to the new regulations and standards. These are known as nonconforming uses, and in order to feasibly adopt the ordinance, and so as not to cause undue economic hardship on owners of nonconforming uses, these uses are allowed to continue under special conditions as outlined in the following parts of this section:

- A. Where a nonconforming use of a building or lot has ceased for more than six months or has changed to a permitted or conforming use, further use of the building or lot must be in conformance with the standards and requirements of the ordinance.
- B. A nonconforming use must not be extended or altered unless the extension or alteration is in conformance with the requirements of this ordinance.
- C. A nonconforming use which is altered or extended must meet applicable building codes and development regulations.
- D. If a nonconforming residential building or structure suffers damage, the building or structure may be reconstructed and reused as before if completed within 12 months from the time such damage occurred; a damaged residential building or structure may be reconstructed to its original size and dimensions, even if nonconforming under this ordinance, provided that the residence must be rebuilt within 12 months in conformity with the building code requirements in effect at the time of reconstruction.
- E. A use which is nonconforming only with respect to screening or buffer requirements must provide required screens or buffers within a period of three years from the effective date of this ordinance. This time period is to allow for the growth of natural vegetative buffers.

##### 7.04.02 Nonconforming lots of record

- A. Any lot of record for which a plat or legal description has been legally recorded in the office of the Clerk of Superior Court at the time of adoption of this UDO may be used for any lawful purpose under this UDO, provided that:

1. The minimum requirements for front, side, and rear yard, open space, height, and floor area shall be complied with, and
  2. The lot is approved by the board of health for the use of a private waste water system.
- B. No permit for the use or development of any lot which is substandard in terms of the provisions of this UDO shall be issued unless said lot was legally and properly recorded prior to the passage of this UDO.
- C. No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in size so that the lot frontage or depth; front, side or rear yard; lot area; or other requirements of this UDO are not maintained. This requirement shall not apply when a portion of a lot is required for public purposes.

## 7.05.00 VARIANCES

### 7.05.01 Variances

- A. A variance is a permit which allows use of a parcel of land in a way that does not meet certain requirements for this ordinance. A variance may be granted only in an individual case where hardship would result if all of the requirements of this ordinance were applied stringently to a particular piece of property. The hardship must be proven by showing that reasonable use of the land is not possible if all of the requirements of this ordinance are to be met. The hardship cannot be self-created, such as:
1. A lot purchased with knowledge of an existing restriction;
  2. A claim of hardship in terms of prospective sales; or
  3. An expressed economic need requiring a variance, when such a need can be met in other ways which would not require a variance.
- B. Relief from the hardship (i.e., granting the variance) must not cause substantial detriment to the public good or impair the purposes of this ordinance.
- C. When a variance is issued, the spirit of this ordinance must be observed and the public safety and welfare secured.
- E. Application for a variance may be made with the Planning Director. The Planning Director will take the required information and transmit it to the planning commission for its consideration.

- F. When an application for a variance is received, the planning commission will set a time and place for a public hearing on the variance. Notice of the hearing must be published in a newspaper of general circulation in Decatur County at least 30 days before the hearing. Such notice will state the owner's name, property location, and the time, place and subject of the hearing. Written notice of the hearing shall be provided to the applicant at least 30 days prior to the hearing.
- G. The planning commission will make a decision concerning the variance and record the decision in the minutes for that meeting.
- H. The variance issued by the planning commission must specify which requirements are to be varied from.
- I. The decision of the planning commission on the application for a variance may be appealed to the Decatur County Board of Commissioners.

#### 7.05.02 Administrative variances

- A. *Authority.* The Planning Director shall have the power to authorize upon application in specific cases such administrative variances from the terms of this UDO as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this UDO will in an individual case result in practical difficulty or unnecessary hardship, so that the spirit of this UDO shall be observed, public safety and welfare secured, and substantial justice done.
- B. *Provisions that may be administratively varied.* The following provisions of this UDO may be administratively varied by the Planning Director, subject to the specific limitations of this section:
  - 1. Front building setback for a principal building, reduction not to exceed thirty percent (30%) of the minimum requirement.
  - 2. Side building setback for a principal building, reduction not to exceed thirty percent (30%) of the minimum requirement.
  - 3. Rear building setback for a principal building, reduction not to exceed thirty percent (30%) of the minimum requirement.
  - 4. Setback for an accessory building, reduction not to exceed thirty percent (30%) of the minimum requirement.
  - 5. Landscape strip minimum widths, reduction not to exceed twenty percent (20%) of the minimum required width.
  - 6. A reduction in the maximum number of off-street parking spaces required by this ordinance, not to exceed twenty percent (20%).

7. Riparian Buffer Zone, reduction not to exceed fifty percent (50%) of the minimum requirement.
  8. Accessory uses.
- C. *Application.* An application for variance may be initiated by any person, firm, corporation or agency, provided said individual, firm, corporation or agency is the owner or owner's agent of the property for which the administrative variance is sought. Applications for administrative variance shall require submittal of all application requirements as specified by the Planning Director.
- D. *Fees.* Application fee is as specified by this ordinance or established by resolution of the Decatur County Board of Commissioners.
- E. *Time for decision.* When an application for an administrative variance is received, the Planning Director shall have fifteen (15) business days to make his/her decision to approve or deny the application.
- F. *Posting of sign.* When an administrative variance application is received, the Planning Director must post a sign in a conspicuous place on the property. The sign must set forth the fact that this is an administrative variance, date to respond and/or comment by, and it must inform the public that additional information may be obtained from the Planning Director.
- G. *Criteria for granting administrative variances.* The Planning Director shall not approve an administrative variance application unless the following conditions exist:
1. There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography;
  2. The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
  3. The special circumstances are not the result of the actions of the applicant; and/or
  4. The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure proposed.

## **7.06.00 PROCEDURES GENERALLY**

### **7.06.01 Purpose**

This chapter sets forth the procedures for receiving, reviewing, and rendering decisions on applications for subdivision developments and all permits. This chapter also sets forth the requirements for appealing decisions and for enforcement. It is the County's intent that the procedures and requirements set forth in this chapter shall be followed in order to seek approval for any development. Note that additional requirements and design criteria are located throughout this UDO in particular sections, and in regards to specific uses.

### **7.06.02 Approvals required**

- A. No building is to be erected, used, occupied, moved, or altered in a manner that does not conform to the requirements specified in this UDO.
- B. The only exception to this requirement is that all buildings or uses which lawfully existed at a particular location at the time this ordinance was adopted may be continued as nonconforming uses pursuant to the provisions of this UDO.

### **7.06.03 Expiration of approvals**

- A. Any building permit or other permit shall become void if the work authorized by the permit has not begun within six months after the date of issuance of the permit.
- B. If construction described in a building permit or other permit is suspended or abandoned after work has commenced, the permit shall expire six months after the date that work ceased.
- C. The time period for which a permit is valid may be extended for one or more periods of not more than 90 days each where an application for such extension is filed and such extension has been granted in writing by the Building Official, based upon good cause shown.

### **7.06.04 Fees required**

- A. All applications shall be accompanied by payment of application fees, as set forth in the Decatur County Fee Schedule adopted by the board of commissioners. An application shall not be complete until all required fees are paid. Such fees shall include the filing fee, and where notice is required, shall include an additional fee to defray the expense of preparing and mailing such notices.

- B. For land clearing permits, a fee in addition to local permitting fees will be assessed pursuant to Georgia statutes. All applicable fees shall be paid prior to issuance of the land disturbance permit.

#### **7.06.05 Requirements regarding Developments of Regional Impact (DRI)**

The Georgia Department of Community Affairs (DCA), pursuant to the Georgia Planning Act, has established criteria for the identification of certain large-scale developments, which have the potential to cause land use impacts beyond the boundaries of the respective local government where a project might be proposed. These developments, known as Developments of Regional Impact (DRIs), shall be submitted, based on established DCA standards, procedures, and format, to the Southwest Georgia Regional Commission for review and recommendation prior to issuance of any local building or development permit or utility tap, whichever occurs first.

#### **7.06.06 Procedures for conducting public hearings**

These policies and procedures govern the calling and conducting of public hearings. The following policies and procedures will be observed in conducting public hearings required by this UDO.

- A. *Notice of public hearing.* The board of commissioners shall conduct a public hearing on the application prior to making its final decision to approve or deny the application. Notice of the public hearing shall be published by County staff in the legal organ of the County once, at least 30 but not more than 45 days prior to the date of the public hearing. Said notice shall state the time, place, and purpose of the hearing, and shall identify the property, its location, and the intended use of the property. At least 30 days prior to the hearing, the same information shall be posted on a sign conspicuously located on the subject property by County staff. Written notice of the hearing shall be provided to the applicant at least 30 days prior to the hearing.
- B. Printed copies of these procedures shall be available for public review at the hearing.
- C. Written comments on the subject of the hearing may be submitted by any citizen or property owner at any time prior to the adjournment of the hearing.
- D. The applicant shall have a minimum of 10 minutes for the presentation of data, evidence and opinions. The length of time for presentations permitted to each speaker will be governed by the chairman of the meeting, depending upon the number of persons present and desiring to speak. Personal remarks will not be tolerated.

- E. The opponent(s) of any application shall have a minimum of 10 minutes for the presentation of data, evidence and opinions. The length of time for presentations permitted to each speaker will be governed by the chairman of the meeting, depending upon the number of persons present and desiring to speak, and provided that both proponents and opponents shall have equal opportunity to address the board. Personal remarks will not be tolerated.
- F. Any person desiring a transcript of the hearing must arrange for a court reporter at their own expense.
- G. All questions and comments will be addressed to the chairman or his/her designee then presiding.

## 7.07.00 APPLICATION AND DECISION-MAKING REQUIREMENTS

### 7.07.01 Pre-application conference

- A. A pre-application conference is a meeting between an applicant and the Planning Director for the purposes of:
  - 1. Exchanging information on the potential development of a site;
  - 2. Providing information on permissible uses of the site proposed for development;
  - 3. Providing information to an applicant regarding the design standards set forth in this UDO that are applicable to a potential application;
  - 4. Providing information to an applicant regarding standards of regional, state, or federal agencies that may be applicable to a potential application;
  - 5. Determining the need and requirements for supporting plans, documents, and studies;
  - 6. Providing information to an applicant regarding infrastructure requirements and the construction of required improvements; and
  - 7. Providing information to an applicant regarding the appropriate procedures and schedules for receiving and reviewing applications and rendering decisions regarding a potential application.
- B. Prior to the submission of an application for a subdivision plat, development plan, or improvements plan, an applicant may request a pre-application conference.

- C. The pre-application conference may include staff of the building, planning and development office.
- D. It is the intent of the board of commissioners that all requirements be identified during the pre-application conference. However, no person may rely upon any comment concerning a proposed development, or any expression of any nature about the proposal, made by a participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.
- E. A prospective applicant may bring members of his project team, such as, but not limited to, the project engineer, land planner, architect, surveyor, or other person who will assist in the preparation of an application. A prospective applicant may provide an informal sketch plan to aid in the discussion. However, such an informal sketch plan shall not be reviewed in any way for compliance with the standards and requirements of this UDO and shall be used only as an aid to the conduct of the pre-application conference.

#### **7.07.02 Determination of completeness**

All applications shall be complete before acceptance for review and decision making. A determination of completeness is a determination that all required documents and plans have been submitted in sufficient number, and that all fees have been paid. A determination of completeness is not a determination of compliance with substantive standards and criteria.

#### **7.07.03 Responsibilities for final action**

The table below identifies the types of applications and the entity that is responsible for the final decision regarding the application.

Table 7.07.03. Types of applications and entity responsible for final decision.

Type of Application	Entity Responsible for Final Decision		
	Planning Director	Planning Commission	Board of Commissioners
Development plans; As-built plans	X		
Amendments to development plans	X		
Administrative waivers	X		
Minor subdivisions	X		
Preliminary plats		X	
Final plats			X
Variances		X	
Appeal of administrative decisions		X	
Telecommunication towers and antennas			X
Special use permits			X
Amendment to the UDO			X
Appeal of decision of planning commission			X

## 7.08.00 SUBMITTAL AND PROCEDURAL REQUIREMENTS

### 7.08.01 Building permits

- A. The developer or other person wishing to do any of the following must first apply to the Building Official for a building permit:
  1. Excavation or filling of a lot for the construction of a building;
  2. Erection, movement, extension, or enlargement of a building;
  3. Work on an existing building which increases the assessed value \$500.00 or more; and/or
  4. Installation of a manufactured home or industrialized building.
- B. No electricity, water, or sewage hookup will be made available to the site of new construction until a building permit is secured.

- C. The building permit must be applied for either by the owner of the land upon which the proposed building or alteration is to be located or by the contractor doing the work.
- D. The applicant may obtain a building permit application from the Building Official. S/he should complete the application form and submit it to the Building Official together with any supporting documentation which the Building Official may specify.
- E. Before a building permit is issued by the Building Official, the Decatur County Health Department must approve the proposed water supply and sewage disposal facilities required in connection with the proposed building or structure. In areas served by a public water and sewage system, the health department may elect to waive the requirement for approval. After study of the site of a proposed use, the health department may require for health reasons that all or any portion of the site not be used for the intended purpose. The health department may also set a minimum lot size larger than that required by this ordinance. The Decatur County Health Department will either approve or disapprove the water and sewer facilities within 30 days of receipt of the application from the Building Official and may provide a written decision, including reasons for the decision.
- F. The Building Official is in charge of issuing building permits; however, s/he may delegate the authority to qualified staff. The Building Official may contact the applicant at the address shown on the application. The building permit will be issued if, upon review of the application and inspection of the site, the Building Official is satisfied that the proposed project will meet the requirements of this ordinance and all other applicable ordinances. The Building Official may require the submission of additional materials if s/he feels additional information is needed in order to determine if the proposed project meets the requirements of this ordinance.
- G. If the Building Official feels that the proposed project as presented in the building permit application will not satisfy the requirements of this ordinance, s/he will not issue a building permit. S/he will notify the applicant within 10 days of the submission of the application, stating reasons for the refusal. S/he may provide the reasons for refusal in writing at the request of the applicant. The applicant will then need to confer with the Building Official to determine what s/he needs to do in order to comply with the ordinance and be eligible for a building permit.
- H. All newly constructed buildings, as well as additions, extensions, or enlargements of structures, must comply with all building codes in effect in Decatur County. The Building Official will explain the procedures and timing of inspections to determine if the work meets applicable codes.

### 7.08.02 Certificate of occupancy

- A. A certificate of occupancy is required before a structure for which a building permit has been issued may be occupied or used. The building permit becomes the certificate of occupancy when the Building Official signs it in the appropriate space, certifying that to the best of her/his knowledge all requirements of this ordinance have been met. The owner/contractor will then receive the certificate of occupancy to be used as confirmation that s/he has complied with the provisions of this ordinance.
- B. The Building Official will issue the certificate of occupancy within 10 days of receiving the building permit with required certifications if s/he finds that all requirements of this ordinance and all other applicable ordinances have been met. However, if s/he finds that all requirements of such ordinances have not yet been met when the owner/contractor seeks a certificate of occupancy, the Building Official will not issue the certificate of occupancy. S/he will notify the owner/contractor within 10 days, stating reasons for the refusal. The owner/contractor will then need to confer with the Building Official to determine what s/he needs to do in order to comply with the ordinance and be eligible for a certificate of occupancy.

### 7.08.03 Special use permits

- A. Some uses are permitted only upon approval of the board of commissioners. These are called special uses. Consideration is given to whether or not the objectives of this ordinance will be hindered in an individual situation.
- B. The developer or owner wishing to request a special use must have at least 51 percent ownership of the subject property or be the duly authorized agent of such a person, possessing notarized authorization in writing, under the owner's signature.
- C. Application for a special use may be made with the Planning Director. The Planning Director will take the required information and transmit it to the planning commission and the board of commissioners for their consideration.
- D. When an application for a special use is received, the planning commission will set a time and place for a public meeting and/or public hearing on the special use. Public notice of the hearing must be given in the same manner provided for in section 7.06.06.
- E. The planning commission will make its recommendation concerning the special use and record the decision in the minutes of the meeting. The planning commission will then forward its decision to the board of commissioners for their review and consideration before making their determination on the special use.

- F. The board of commissioners shall hold a duly-noticed public hearing pursuant to the procedures of section 7.06.06. After conducting such hearing, the board of commissioners may grant, deny, or grant with special conditions the special use permit request. The decision of the board of commissioners on the application for special use may be appealed to the Decatur County Superior Court by pleadings filed in the court within 30 days of the date of the decision of the board of commissioners in the manner provided by law.
- G. The planning commission and board of commissioners will consider the following points in arriving at a decision on the special use:
  - 1. Whether it is contrary to the purpose of this ordinance;
  - 2. Whether it is detrimental to the use or development of adjacent properties, or to the general neighborhood; and the health or safety of residents or workers;
  - 3. Whether it would constitute a nuisance or hazard because of the number of persons who will attend or use such a facility, vehicular movement, noise or fumes generated, or type of physical activity;
  - 4. Whether it would adversely affect existing uses;
  - 5. Whether the public infrastructure is sufficient to support the proposed use;
  - 6. How the proposed use would affect the economy of Decatur County;
  - 7. How the proposed use would affect the environment of Decatur County; and
  - 8. Whether it would meet all other requirements of this ordinance.
- H. The board of commissioners may require any additional restrictions and development standards on a special use as may be necessary to protect the health, safety, and public welfare.
- I. If the board of commissioners find that any restrictions upon which a special use was granted are not being complied with, they may revoke the permit. Public notice and hearing on the issue of whether the permit should be revoked shall be provided in the same manner as required for approval of a special use permit.
- J. Special use permits for industrial uses shall be governed by Chapter 2 of this UDO.

#### 7.08.04 Subdivisions – generally

- A. When any subdivision of land is proposed, and before any permits for development of the subdivision are granted, the developer or his authorized agent shall apply for and secure approval of the proposed subdivision in accordance with this UDO.
- B. Any subdivision of land, including for the purpose of auction, requires approval by the planning department. Prior to subdivision of any property and prior to recording said subdivision with the County clerk's office, the property owner or his or her representative shall first receive written approval from the planning department to ensure the proposed subdivision meets the standards of this UDO.
- C. For the purpose of auction, the planning department shall determine the extent of required compliance with the standards of this UDO prior to the sale of a subject property.
- D. All fees for subdivision approval shall be established from time to time by resolution of the Decatur County Board of Commissioners.

#### 7.08.05 Subdivision plats

General overview of subdivision plat review and approval procedures.

- A. *Introduction.* The procedure for the formal review and approval of a subdivision plat consists of five stages. These are as follows:
  - 1. Pre-application review;
  - 2. Preliminary plat acceptance by the planning commission;
  - 3. Construction plan approval by the Building Official;
  - 4. Final plat acceptance by the planning commission and approved by the Decatur County Board of Commissioners; and
  - 5. Recording and dedication.
- B. Minor subdivisions are lot divisions that do not require the installation of streets, utilities, or other public improvements and infrastructure. A proposal to create a minor subdivision shall only require review and approval by the Planning Director before being recorded in the public records of the clerk of the Decatur County Superior Court. The Planning Director will approve the minor subdivision if the submitted plat complies with the Georgia statutes pertaining to the recording of plats and all of the substantive requirements of this UDO.

- C. *Pre-application review stage.* Whenever the subdivision of a tract of land is proposed, the subdivider may consult informally with the Planning Director prior to filing the application for subdivision. The subdivider may submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed development layout of the subdivision. The purpose of the pre-application review stage is to facilitate the subsequent preparation of plans and plats by clarifying matters relating to the proposed subdivision and the development ordinance.
- D. *Preliminary plat stage.* The subdivider must submit to the planning commission for approval a preliminary plat of the proposed subdivision prepared in accordance with the provisions of this ordinance. If the proposed subdivision abuts a state highway, a certificate of approval by the Georgia Department of Transportation must accompany the preliminary plat submission. The county health department must have reviewed the project, and a letter of preliminary approval must be obtained by the subdivider. The subdivider must also furnish copies of such a preliminary plat to all utility companies serving the area. Approval of the planning commission will be indicated on the face of the preliminary plat.
- E. *Construction plan stage.* Prior to making any street improvements or installing any utilities or other improvements, the subdivider must submit to the Building Official construction plans of the proposed subdivision, prepared in accordance with the provisions of this ordinance. The design presented in the construction plans must be in conformance with the general design information presented in the preliminary plat that was approved by the planning commission. The construction plans must show all street design profiles, topographic information, utility construction plans, sediment and erosion control plans, and other information as may be required by the Planning Director. The construction plan stage requires the approval of only the Building Official.
- F. *Final plat stage.* After completion of the physical development, or arrangements for physical development acceptable to the planning commission, of all or part of the area shown on the preliminary plat as approved by the planning commission, and before selling any lots, a final plat together with the required certificates must be submitted to the planning commission and the Decatur County Board of Commissioners for approval. The subdivider must also furnish copies of the approved final plat to all utility companies serving the area.
- G. *Recording and dedication.* After the final plat is approved by the Decatur County Board of Commissioners, the final plat and appropriate documents become the instrument to be recorded in the office of the clerk of the superior court of Decatur County, Georgia. After recording, the appropriate deeds and

documents must be presented to the appropriate local government agency for dedication and acceptance.

#### 7.08.06 Procedures for subdivision preliminary plat

##### A. Submission and approval of preliminary plat.

1. *Preliminary plat submission.* After completing the preliminary review stage, the subdivider must submit the following:
  - a. A letter requesting review and approval of a preliminary plat and giving the name and address of a person to whom the notice of hearing and action on the preliminary plat is to be sent;
  - b. Two 24" x 36" copies and eight 11" x 17" copies of the preliminary plat and supporting data. At this time, the Planning Director may direct the subdivider to furnish additional copies to the review agencies having appropriate technical expertise or proper authority for review and comment. Electronic copies in a format specified by the Planning Director may be required;
  - c. If the subdivision is not to be served by public water and sewage systems, a certificate from the Decatur County Health Department approving the proposed water supply and sewage disposal systems; and
  - d. If the proposed subdivision abuts a state highway, a certificate of approval or comparable permission of access for the proposed subdivision by the Georgia Department of Transportation.
2. *Additional information.* The planning commission may ask for any additional information it feels is needed to evaluate the preliminary plat.
3. *Official date of submission.* The official date of submission of the preliminary plat will be the date of the next regularly scheduled monthly meeting of the planning commission.
4. *Preliminary plat review.* The Planning Director will review the preliminary plat for the planning commission for conformance to this ordinance and other relevant regulations. The planning commission will consider the comments or suggestions of the appropriate review agencies requested to review the preliminary plat. The Planning Director will indicate on the preliminary plat (or by a written memorandum attached to the preliminary plat) for the planning commission any comments or suggested changes that are necessary to

meet the intent of this ordinance or to serve the best interests of Decatur County.

5. *Public hearing.* Before acting on the preliminary plat, the planning commission will schedule a public hearing on the preliminary plat. Notice of the hearing must be published pursuant to the requirements of this UDO for public hearings.
6. *Action of the planning commission.* No more than 45 days after the official date of submission of the preliminary plat, the planning commission will either approve the plat, conditionally approve the plat (noting the conditions of approval on the plat), or not approve the plat. Action may be taken on the entire preliminary plat or any portion of it.
7. *Approval of preliminary plat.* Approval of a preliminary plat is effective and binding for a period of no more than three years. Before the three-year period expires, the subdivider may submit to the planning commission a request in writing for an extension of time. If the planning commission grants such an extension, final subdivision construction drawings must be submitted, approved, and work must begin within the limits of the extension.

B. Specifications for preliminary plat.

The preliminary plat must meet the minimum standards of design set forth in this ordinance and must include the following:

1. *General.*
  - a. Title block including proposed name of subdivision and name of former subdivision, if any or all of the proposed subdivision has been previously subdivided.
  - b. Plat key including:
    - i. Name and address of person in charge of plat preparation;
    - ii. Date of plat preparation with space for revision dates;
    - iii. Graphic scale of one inch equals 200 feet or larger;
    - iv. North point, identified as magnetic, true, or grid north;
    - v. Area of proposed subdivision in acres; and
    - vi. Appropriate legend of symbols used on plat.

- c. Location sketch map locating the subdivision in relation to the immediately surrounding area and showing generally:
    - i. Well-known landmarks such as railroads, highways, bridges, creeks, etc.; and
    - ii. Government jurisdictional boundaries and land lot lines, if applicable.
  - d. Entire tract. The subdivider may and is encouraged to submit a preliminary plat of his entire tract, even though his present plans may call for the actual development of only a small portion of the property. Regardless of the area covered by the preliminary plat, any unit divisions or phasings of unit divisions intended in the preparation of the final plat must be represented on the preliminary plat.
  - e. Resubdivision. In the case of resubdivision, a copy of the existing plat with the proposed resubdivision superimposed on it must be provided.
  - f. Elevations. All elevations must refer to mean sea level datum.
  - g. Sheet size must be no larger than 36 inches wide and 24 inches long. A margin two inches wide must be on the left side for binding purposes, and margins of one-half inch must be on the other three sides. If the complete plat cannot be shown on one sheet of this size, it may be shown on more than one sheet with an index map on a separate sheet of the same size.
- 2. *Features of site to be shown on plat.*
  - a. Location and estimated dimensions of all property boundary lines of the subdivision.
  - b. Plot or plans may be required for certain lots. Field run topographic surveys or aerial mapping using standard photogrammetric methods may be required for particular lots having site specific drainage problems, at a contour interval of five feet.
  - c. Location and size of existing cultural features on or adjacent to the proposed subdivision including:
    - i. Right-of-way, pavement widths, and names of existing and platted streets;

- ii. Railroads and railroad rights-of-way;
- iii. Bridges, buildings, and other structures;
- iv. All surface utility lines within easements or rights-of-way on or adjoining the tract (showing the location of towers or poles);
- v. Existing sewers, water mains, drains, culverts, and other underground facilities or utilities within easements or rights-of-way on or adjoining the tract (grades and invert elevation of sewer must also be shown);
- vi. All other easements and rights-of-way; and
- vii. Cemeteries.

3. *Proposed conditions and facilities.*

- a. Layout of all streets and other accessways with right-of-way and pavement widths, as well as proposed street names.
- b. Layout of all lots, including all building setback lines; scaled dimensions on lots; utility easements with width and use; block number; and lot numbers.
- c. A description of proposed sewage disposal systems (individual, community, or public) with preliminary approval by the Decatur County Health Department shown by type of system proposed, if applicable.
- d. A description of proposed water supply systems (individual, community, or public) with preliminary approval by the Decatur County Health Department, if applicable.
- e. A description of proposed drainage provisions.
- f. Designation of lands to be reserved or dedicated to public use.
- g. All land uses, including areas to be occupied by uses other than single-family dwellings, including the following nonresidential uses:
  - i. Multi-family residential;
  - ii. Commercial;

- iii. Industrial; and
  - iv. Recreation, open space, and areas for other such uses.
4. *Certificate of tentative approval.* A certificate of tentative approval of the preliminary plat by the planning commission will be inscribed on the plat.

**7.08.07 Construction plans**

A. Submission and approval of construction plans.

- 1. *Construction plan submission.* After the preliminary plat of the proposed subdivision has been given approval by the planning commission, the subdivider may submit construction plans to the Building Official.
- 2. *Format.* Five copies of the construction plans must be submitted to the Building Official. The scale on the construction plans must be at least 100 feet to the inch.
- 3. *Approval of construction plans.* Approval of construction plans and issuance of a land disturbance permit constitutes authorization to proceed with the installation of any planned improvements.

B. Specifications for construction plans.

The construction plans must conform to all specifications required for the preliminary plat and include the following:

- 1. Detailed plot or site plans may be required for certain lots. Detailed field run topographic surveys may be required for particular lots having site specific drainage problems. All site plans must be based on a field run topographic survey or aerial survey based on standard photogrammetric methods with a maximum contour interval of two feet, right-of-way, property, and lot boundary lines platted sufficiently to reproduce the subdivision in the field.
- 2. Provisions for proper drainage.
- 3. Soil erosion and sediment control plans as required by ordinances.
- 4. Such street profiles, cross sections and details as may be necessary to illustrate proposed street construction standards.
- 5. Utility plans.

6. Any tree planting plans or other required landscaping plans.
7. Stormwater system must be designed to adequately contain runoff and shown on drawings, sections, and profiles, with pipe sizes, elevations at inlets, and outfalls with ditching on property lines where required. Current design standard for stormwater control is based on a 25-year event. A 20-foot easement must be provided for these features. Any specifications and details required by the ordinance shall adhere to the "Manual for Erosion and Sediment Control in Georgia" and exhibited on plans submitted by the subdivider.
8. A bond may be secured by the developer for 100 percent of the estimated cost of the improvements prior to undertaking any site improvements.
9. Certifications:
  - a. The following certifications must be in a form and substance approved by the planning commission and inscribed directly on the construction plans:
    - i. Construction plans must bear the seal of a registered professional engineer (PE) or landscape architect (RLA).
    - ii. Certificate or statement of approval of the drainage provisions within the proposed subdivision.
  - b. The following additional certifications must be in a form and substance approved by the Planning Director and inscribed directly on the construction plans or provided as an attachment in a format approved by the Planning Director:
    - i. Certificates or statements of approval of the sewage disposal system in the proposed subdivision obtained from the Decatur County Health Department.
    - ii. Certificates or statements of approval of the water system in the proposed subdivision obtained from the Decatur County Health Department.
    - iii. Certificate, written permission or approved plans from the Georgia Department of Transportation, if property connects to a state road.

#### 7.08.08 As-built plans

- A. Submission of as-built plans.

1. *As-built plan submission.* After the construction of the following structures, the developer shall submit as-built plans to the Planning Director:
  - a. New streets to be dedicated for public use. As-built plans shall show horizontal and vertical alignment.
  - b. Storm drainage infrastructure that is part of a stormwater system being dedicated for public maintenance. As-built plans shall show pipe size, slope, elevation, and construction material and structure type, size and top / bottom elevations.
  - c. Water utility infrastructure that is to be part of the public water system. As-built plans shall show the size, material and location of the water system infrastructure, as well as valves and fire hydrants.
  - d. Sewer system infrastructure that is to be part of a public sewer system. As-built plans shall show size, material, slope and elevation of sewer infrastructure; manholes including tops and inverts and other structures required by the authority providing sewer service.
  - e. Detention ponds. As-built plans shall show size, depth, storage capacity, outlet control structure detail and as-built routing.
2. A pdf and five copies of the as-built plans must be submitted to the Planning Director. The scale on the as-built plans must be 50 feet or less to the inch.
3. *Certifications:*
  - a. As-built plans must bear the seal of a registered professional engineer (PE), surveyor or other professional approved by the Planning Director as qualified to issue the certification.
  - b. Where the particular infrastructure is for the provision of a service provided by an authority other than Decatur County, the as-built plans shall show the infrastructure's approval by such authority.
4. The Planning Director may waive the requirement for as-built plans upon reasonably finding that such structure is of a size and type that it will not materially impact any public infrastructure or service or impose any significant public maintenance obligation in the event that the owner is unable to maintain it.

- B. Approval of as-built plans. Approval of as-built plans shall constitute authorization to proceed with final plat approval and dedication and shall be a pre-requisite to the issuance of certificates of occupancy.

**7.08.09 Procedures for subdivision final plat**

- A. Submission and approval of final plat.

1. *Final plat submission.* After the preliminary plat of the proposed subdivision has been given tentative approval by the planning commission, construction plans have been approved by the Planning Director, and required improvements have been completed (or arrangements for required improvements acceptable to the Planning Director have been made), the subdivider may, within three years from the date of the preliminary plat approval, apply for final plat approval.
  - a. A letter requesting review and approval of a final plat and giving the name and address of the person to be notified of the action on the final plat.
  - b. A pdf, two 17" x 22" copies, and fifteen 11" x 17" copies of the final plat and other documents as may be specified are required for submission. An electronic copy in formats as specified by the Planning Director may be required. The scale of the plat must be at least 100 feet to the inch. A pdf and five 17" x 22" copies are required for recording and files after all approvals have been granted.
2. *Official date of submission.* The official date of submission of the final plat will be the date that all required documents have been received by the Planning Director.
3. *Final plat review.* The Planning Director will review the final plat for conformance with the tentatively approved preliminary plat as well as with this ordinance and other relevant regulations and shall recommend approval or denial of the final plat to the planning commission and the Decatur County Board of Commissioners.
4. *Action of the Planning Director and the Decatur County Board of Commissioners.* No more than 45 days after the official date of submission of the final plat, the Planning Director will either recommend to the board of commissioners the issuance of a certificate of approval for recording, conditionally approve the plat (noting the conditions of approval on the plat), or disapprove the plat. If the final plat is conditionally approved, once the subdivider has complied with the conditions indicated, the board of commissioners will issue a

certificate of approval on the plat, or disapprove the plat. If the final plat is disapproved, the board of commissioners will notify the subdivider in writing, stating the reasons for disapproval. One copy and the original will be made part of the record of the Planning Director. Action may be taken on the entire plat or any portion of it.

5. *Approval of final plat.* Approval of the final plat authorizes the subdivider to proceed with the recording and dedication procedures.

B. Specifications for final plat.

The final plat must meet the minimum standards of design set forth in this ordinance and must include the following:

1. *General.*

- a. Title block including:

- i. Name and address of owner(s) of record; and
- ii. Proposed name of subdivision and name of former subdivision, if any or all of the proposed subdivision has been previously subdivided.

- b. Plat key including:

- i. Name and address of person in charge of plat preparation;
- ii. Date of plat preparation with space for revision dates;
- iii. Graphic scale of one inch equals 200 feet or larger;
- iv. North point, identified as magnetic, true, or grid north;
- v. Area of proposed subdivision in acres; and
- vi. Appropriate legend of symbols used on plat.

- c. Location sketch map locating the subdivision in relation to the immediately surrounding area and showing generally:

- i. Well-known landmarks such as railroads, highways, bridges, creeks, etc.; and
- ii. Government jurisdictional boundaries and land lot lines, if applicable.

- d. Elevations: All elevations must refer to mean sea level datum.
- e. Sheet size must be no larger than 17 inches wide and 22 inches long. A margin two inches wide must be on the left side for binding purposes, and margins of one-half inch must be on the other three sides. If the complete plat cannot be shown on one sheet of this size, it may be shown on more than one sheet with an index map on a separate sheet of the same size.

2. *Features of site to be shown on plat.*

- a. Exact boundary lines of the tract, to be indicated by a heavy line, giving distances to the nearest one-tenth foot and angles to the nearest minute, which must be balanced and closed with an error of closure not to exceed one to 5,000. The error of closure must be stated.
- b. Plot or site plans may be required for certain lots. Field run topographic surveys may be required for particular lots having site specific drainage problems. All commercial site plans must be based on a field run topographic survey with a maximum contour interval of two feet. This specification is not required of rural subdivisions.
- c. Location of natural features, including streams and watercourses with direction of flow and acreage of the drainage area affecting the proposed subdivision, water bodies, swamps, floodplains, tree line of wooded areas, and orchards and other agricultural groves.
- d. Location of adjoining property lines and names of owner(s) of record and/or the location of adjoining subdivision lines and names.
- e. All existing buildings and structures to be maintained within the proposed subdivision.
- f. Exact locations, widths, and names of all streets and public accessways within and immediately adjoining the platted property.
- g. Street centerlines showing angles of deflection, angles of intersection, radii, length of tangents and arcs, and degree of curvature with basis of curve data.

- h. Lot lines with dimensions to the nearest 0.01-foot area, necessary internal angles, arcs, chords, tangents, and radii or rounded corners.
  - i. Lot sizes to the nearest 0.001 of an acre.
  - j. Building setback line with dimensions.
  - k. Lot width at the building line, for each specific lot of which the side lot lines are at angles other than 90 degrees.
  - l. Lots or sites numbered in numerical order and blocks lettered alphabetically.
  - m. Location, dimensions, and purpose of all drainage structures and of any easement, including slope easements, if required, and public service utility right-of-way lines; any areas to be reserved, donated, or dedicated to public use; any sites for other than single-family residential use, with designations stating purpose or proposed use, area, any use limitations; and any areas to be reserved by deed covenants for common use of all property owners.
  - n. Location of any cemeteries.
  - o. Any private covenants to be recorded with the plat attached.
  - p. Any as-built conditions not exhibited in the construction plans.
3. *Certifications.*
- a. The following certifications must be in a form and substance approved by the planning commission and inscribed directly on the final plat:
    - i. A registered land surveyor's certification;
    - ii. An owner's certificate;
    - iii. A certificate of approval for recording by the planning commission; and
    - iv. A certificate of approval by the Decatur County Health Department.
  - b. The following certificates or statements must be attached to the final plat when applicable:

- i. Certificate(s) or statement(s) of guaranty to dedicate; and
    - ii. Certificate or statement of approval of streets, whether or not the streets are to be dedicated to the public.
  4. A listing of ALL covenants, deed restrictions, and special conditions shall appear on the final plat to be recorded with the clerk of the superior court.
- C. Recording and dedication.
1. *Recording of final plat.* Upon approval of a final plat, the subdivider must have the final plat recorded in the office of the clerk of the superior court of Decatur County. The subdivider will be responsible for the payment of the recording fee at the time of recording of the final plat.
  2. *Dedication of platted streets, other public spaces, and utilities.* Final plat approval by the Planning Director does not constitute acceptance of any dedications to the public. After final plat approval by the Planning Director, the subdivider must prepare appropriate documents and plans as constructed, if required, and request Decatur County and other appropriate authorities to accept dedicated streets, other public spaces, and utilities.

#### 7.08.10 Letters of credit and maintenance bonds

- A. Applicants for developments involving the construction of roads or infrastructure which will be publicly owned or maintained shall be required to obtain and provide to the County letters of credit or maintenance bonds in an amount sufficient to guarantee the maintenance of infrastructure and improvements throughout the construction process and for a reasonable time thereafter.

For developments with multiple phases of construction, the Planning Director shall require that portions of a previously approved phase be placed under an extended letter of credit or maintenance bond if the previously approved phase is used as access for construction traffic for the development of future phases. A plan showing the various streets that will be used as access for the construction traffic through the previously approved phase shall also be provided. The duration of such an extended letter of credit or maintenance bond shall not exceed three years from the date of approval of the final plat for the final phase of the development.

A letter of credit or maintenance bond shall be released at the end of a three-year period. 90 days prior to expiration, a final inspection of all subdivision improvements shall be performed by the County to determine the need for any

repairs. If repairs are necessary, the Planning Director shall provide written notice to the applicant. The Planning Director may require the letter of credit or maintenance bond to be extended to ensure the completion of repairs started but not completed during the bond period. If the applicant fails to take the necessary action to make repairs within 30 days of notification by the County, the Planning Director may authorize the surety or bank issuing the letter of credit or maintenance bond to release to the County all funds.

B. Requirements for irrevocable letters of credit or maintenance bond.

1. The letter of credit or maintenance bond shall be issued from a bank or surety having Georgia offices and shall include local contact name, phone number, and local physical address of the bank. No post office boxes shall be allowed.
2. A letter of credit or maintenance bond from other institutions shall be subject to approval by the Planning Director who shall be authorized to reject a letter of credit or maintenance bond upon reasonably determining that the obligor or surety is unreliable or there would be practical difficulties in enforcing the obligation of the letter of credit or maintenance bond for other reasons.
3. The letter of credit or maintenance bond shall name the Decatur County Board of Commissioners as obligee.
4. The amount of the letter of credit or maintenance bond shall be determined by the County engineer and shall represent the reasonable cost of completion and maintenance of the work to be performed.

C. Time period for a letter of credit or maintenance bond.

1. A letter of credit or maintenance bond for infrastructure and other public improvements shall remain in effect for three years from the date of final plat approval. During the three-year period, it shall be the applicant's responsibility to repair any defects that occur in the streets, drainage systems, stormwater detention systems and any other infrastructure covered by the letter of credit or maintenance bond.
2. The Decatur County Board of Commissioners may draw upon this letter of credit or maintenance bond to the amount set forth above upon presentation to the surety company of the following: A letter from the Decatur County Planning Director stating that the principal has failed to meet its obligations with regard to making all of the required repairs and that the cost of the repairs equals or exceeds the amount of the letter of credit or maintenance bond.

## **7.09.00 APPEALS**

### **7.09.01 Decisions of administrative officials**

The final decisions of the Planning Director may be appealed by filing a written notice of appeal with the Planning Director within 30 days of the date of the decision. The administrative official shall compile the record and transmit it to the planning commission within 10 business days of the filing of the notice of appeal. The planning commission shall cause the matter to come on for a hearing at an open meeting held within 60 days of the transmittal of the record, unless the appellant consents to a later meeting. The planning commission shall follow its by-laws for the conduct of such hearing, but in all cases the appellant shall have notice of the hearing and shall have an opportunity to be heard that is equal to the person speaking in opposition to the appeal. The planning commission shall issue a decision which either approves, overrules or modifies the appealed decision in a manner that accords with the purpose and intent of this UDO.

### **7.09.02 Decisions of the planning commission**

Appeals of final decisions of the planning commission shall be to the Decatur County Board of Commissioners. A notice of appeal shall be filed with the Planning Director within 30 days of the date of the decision appealed. The Planning Director shall compile the record and cause it to be transmitted to the board of commissioners within 10 business days of the filing of the notice of appeal. The board of commissioners shall cause the matter to come on for a hearing at an open meeting held within 60 days of the transmittal of the record, unless the appellant consents to a later meeting. The board of commissioners shall follow the policies and procedures for the conduct of public hearings. The board of commissioners shall issue a decision which either approves, overrules or modifies the appealed decision in a manner that accords with the purpose and intent of this UDO.

### **7.09.03 Decisions of the board of commissioners**

All final decisions of the board of commissioners may be appealed by the filing of an appeal in the Superior Court of Decatur County pursuant to law.

### **7.09.04 Appeals, service and process**

Whenever a decision of an administrative official or the planning commission is appealed to the courts in accordance with law, the Planning Director may accept service and perform any requirements of law to allow the appeal to be processed. Whenever a decision of the Board of Commissioners under this Unified Development Ordinance is appealed to the courts in accordance with law, the Chairman of the Board of Commissioners may accept service and perform any requirements of law to allow the appeal to be processed.

## **7.10.00 VIOLATIONS, ENFORCEMENT AND PENALTIES**

### **7.10.01 Jurisdiction**

The jurisdiction for actions brought pursuant to this UDO shall be in the magistrate and superior courts of Decatur County.

### **7.10.02 Violations**

It shall be a violation of this UDO to:

- A. Use or develop property without a permit required by this UDO for such use or development;
- B. Use or develop property in violation of the conditions and limitations for such use or development set forth in this UDO or pursuant to permit or other approval;
- C. Construct or move any structure in violation of the applicable provisions of this UDO; or
- D. Violate any provision of this ordinance, or fail to remedy any violations upon notice.

### **7.10.03 Enforcement**

- A. The Planning Director shall be responsible for enforcement of the provisions of this UDO.
- B. When a building or other structure has been constructed in violation of this section, the violator may be required to remove the structure at the discretion of the Planning Director and/or Building Official.
- C. When removal of vegetative cover, excavation, or fill has taken place in violation of this section, the violator may be required to restore the affected land to its original contours and to restore vegetation, as far as practicable, at the discretion of the Planning Director.
- D. The Planning Director and/or the Building Official shall have the authority to issue stop-work orders where work is being performed in violation of this ordinance or any permit or approval issued pursuant to this ordinance.

### **7.10.04 Penalties**

Anyone who violates any of the provisions of this ordinance, upon conviction, will be fined no more than \$1,000.00 for each offense unless state law expressly provides otherwise. In addition, s/he must pay all costs and expenses involved in the case. Each

day such a violation continues constitutes a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such a violation, may each be found guilty of a separate offense and suffer the penalties provided here.

#### **7.10.05 Remedies**

If any building or land is used or maintained in violation of this ordinance, the County may initiate legal proceedings to obtain an injunction or any other appropriate remedy to stop the violation or to prevent any act which would constitute such a violation.

# Whigham Dairy Road Corridor Protection District

## Legend

- Whigham Dairy Rd  
Corridor Protection  
District
- City Limits
- PARCELS



## RESOLUTION PROVIDING FOR DECATUR COUNTY TAX LEVY FOR 2022

BE IT RESOLVED by the Commissioners of Decatur County, Georgia, at a regularly scheduled meeting on August 23, 2022 that the following rate of taxes be and the same is hereby fixed and levied on all taxable property within Decatur County, Georgia, for the year 2022, to-wit:

- 9.16 mills (on all taxable property located in the incorporated areas) for County general purposes (M&O).
- 9.16 mills (on all taxable property located in the unincorporated areas) for County general purposes (M&O).
- 1.00 mills (on all taxable property except for that located within the City of Bainbridge) for the Fire Services Special District.
- 0.250 mills (on all taxable property county-wide) for the Bainbridge and Decatur County Development Authority.
- 1.250 mills (on all taxable property county-wide) for the Bainbridge-Decatur County Recreation Authority.
- 1.01 mills (on all property county-wide) for the Bainbridge-Decatur County Hospital Authority.
- 0.86 mills (on all property in unincorporated areas) for items specifically identified by the Service Delivery Agreement as for the unincorporated areas.
- 1.00 mills (on all property county-wide) for Economic Development Bonds.

BE IT FURTHER RESOLVED that the millage rates per tax district are as follows:

Description	Unincorporated	City Attapulgus	City Bainbridge	Town Brinson	City Climax
Gross M&O Mill Rate	12.05	12.05	12.05	12.05	12.05
Less: Sales Tax Rollback	(2.89)	(2.89)	(2.89)	(2.89)	(2.89)
Net M&O Millage	9.16	9.16	9.16	9.16	9.16
Fire Services District	1.00	1.00	-	1.00	1.00
Hospital Authority	1.01	1.01	1.01	1.01	1.01
Recreation Authority	1.25	1.25	1.25	1.25	1.25
Uninc. Services per SDS	0.86	-	-	-	-
Economic Development Bonds	1.00	1.00	1.00	1.00	1.00
Development Authority of Bainbridge & Decatur County	0.25	0.25	0.25	0.25	0.25
Total Special Districts	5.37	4.51	3.51	4.51	4.51
Total of M&O & Special Districts Millage	14.53	13.67	12.67	13.67	13.67

BE IT RESOLVED that the Insurance Premium Tax shall be used for fire protection in the unincorporated area.

BE IT FURTHER RESOLVED that the Tax Commissioner of Decatur County, Georgia, be and he is hereby ordered to make out and collect taxes for the year 2022, and to pay over to the County General Fund, at the rate herein levied for general county purposes, and the rate levied herein for Fire Services, and to pay over to the County Bond Debt Service Fund at the rate levied herein for Economic Development Bonds, and to pay over to the Bainbridge and Decatur County Development Authority that portion of the tax herein levied for that Authority, and to pay over to the Bainbridge-Decatur County Recreation Authority that portion of the tax herein levied for that Authority, and to pay over to the Hospital Authority of Bainbridge, Decatur County, GA that portion of the tax herein levied for that Authority.

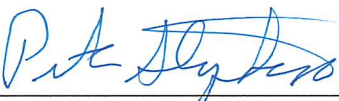
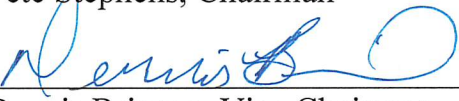
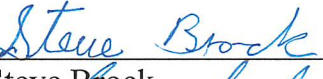
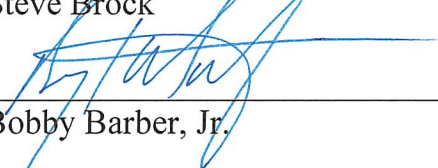
BE IT FURTHER RESOLVED by this Board that the tax rate of County-wide School Taxes in Decatur County, Georgia, outside of any independent school systems therein, of 14.565 (14.115 School and 0.450 Library) mills, or \$14.565 on the \$1,000.00 valuation, as recommended and certified to this Board by the Decatur County Board of Education be and the same is hereby fixed and levied on all property subject to taxation in the county, for the year 2022.

BE IT FURTHER RESOLVED that the Tax Commissioner of Decatur County, Georgia is hereby ordered to collect said taxes for said year and to pay over to the said Decatur County Board of Education that portion of the tax herein levied for the support and maintenance of education for the county-wide schools.

BE IT FURTHER RESOLVED that the Clerk of the Board advertise this levy as required by law, and that the same be recorded on the minutes of this Board, a copy of the same to be furnished to the Tax Commissioner of Decatur County, Georgia, a copy to the Revenue Department of the State of Georgia, and a copy to the County Superintendent of Schools.

ON MOTION of Commissioner Davis and seconded by Commissioner Brinson, this resolution was adopted by a vote, as designated below, this 23rd day of August 2022.

## BOARD OF COMMISSIONERS OF DECATUR COUNTY, GEORGIA

	YEA	NAY
 Pete Stephens, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
 Dennis Brinson, Vice Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
 Steve Brock	<input checked="" type="checkbox"/>	<input type="checkbox"/>
 Bobby Barber, Jr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

YEA

NAY

George Anderson  
George Anderson

✓

\_\_\_\_\_

Thomas R. (Rusty) Davis  
Thomas R. (Rusty) Davis

✓

\_\_\_\_\_

Michelle B. West  
Attest:

Bruce W. Kirbo, Jr.  
Bruce W. Kirbo, Jr. - County Attorney



## COUNTY MILLAGE RATE CERTIFICATION FOR TAX YEAR 2022

Please provide a copy of this form to your county's Clerk of Superior Court.

<http://www.dor.ga.gov>

COUNTY:

DECATUR

Submit original signed copy with digest submission

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6	COLUMN 7	COLUMN 8	COLUMN 9	COLUMN 10
District Number Must be Shown	District Name (Inc, Uninc, School, Special Districts, Etc)	Mark X if District Falls In Unincorporated Area	Mark X if District Falls In Incorporated Area	Enter Gross Millage Rate Before Rollbacks	Sales Tax Rollback O.C.G.A § 48-8-91	Insurance Premium Rollback O.C.G.A § 33-8-9.3	Net M&O Millage Rate Column 4 less Columns 5, 6 & 7	Enter Bond Millage Rate	Total Millage Rate Column 8 plus Column 9
1,2,3,5	Incorporated		X	12.053	2.890		9.163	0.000	9.163
4	Unincorporated	X		12.053	2.890		9.163	0.000	9.163
1,2,3,4,5	School	X	X	14.115			14.115	0.000	14.115
	List Special Service Districts:								
1,3,4,5	Fire Services District	X	X	1.000			1.000	0.000	1.000
1,2,3,4,5	Recreation Authority	X	X	1.250			1.250	0.000	1.250
1,2,3,4,5	Hospital Indigent Care Cost	X	X	1.010			1.010	0.000	1.010
1,2,3,4,5	Library	X	X	0.450			0.450	0.000	0.450
1,2,3,4,5	Development Authority	X	X	0.250			0.250	0.000	0.250
1,2,3,4,5	Economic Development Bonds	X	X	1.000			1.000	0.000	1.000
4	Uninc. Services Per SDS	X		0.860			0.860	0.000	0.860
	CID/BID:								
							0.000		0.000
							0.000		0.000
							0.000		0.000
							0.000		0.000

I hereby certify that the rates listed above are the official rates for the Districts Indicated for Tax Year 2022

8-23-2022

Date

Chairman, Board of County Commissioners

**PT-32.1 - Computation of MILLAGE RATE ROLLBACK AND PERCENTAGE INCREASE IN PROPERTY TAXES - 2022**

<b>COUNTY:</b> Decatur	<b>TAXING JURISDICTION:</b> County
------------------------	------------------------------------

**ENTER VALUES AND MILLAGE RATES FOR THE APPLICABLE TAX YEARS IN YELLOW HIGHLIGHTED BOXES BELOW**

DESCRIPTION	2021 DIGEST	REASSESSMENT OF EXISTING REAL PROP	OTHER CHANGES TO TAXABLE DIGEST	2022 DIGEST
REAL	906,091,594	42,238,199	26,162,652	974,492,445
PERSONAL	233,393,024		20,831,487	254,224,511
MOTOR VEHICLES	14,198,140		(1,106,410)	13,091,730
MOBILE HOMES	11,825,596		991,259	12,816,855
TIMBER -100%	10,918,659		(1,381,605)	9,537,054
HEAVY DUTY EQUIP	41,569		(1,118)	40,451
GROSS DIGEST	1,176,468,582	42,238,199	45,496,265	1,264,203,046
EXEMPTIONS	222,153,114		13,061,398	235,214,512
NET DIGEST	954,315,468	42,238,199	32,434,867	1,028,988,534
	(PYD)	(RVA)	(NAG)	(CYD)
<b>2021 MILLAGE RATE:</b>	9.555		<b>2022 MILLAGE RATE:</b>	

**CALCULATION OF ROLLBACK RATE**

DESCRIPTION	ABBREVIATION	AMOUNT	FORMULA
2021 Net Digest	PYD	954,315,468	
Net Value Added-Reassessment of Existing Real Property	RVA	42,238,199	
Other Net Changes to Taxable Digest	NAG	32,434,867	
2022 Net Digest	CYD	1,028,988,534	(PYD+RVA+NAG)
2021 Millage Rate	PYM	9.555	PYM
Millage Equivalent of Reassessed Value Added	ME	0.392	(RVA/CYD) * PYM
Rollback Millage Rate for 2022	<b>RR - ROLLBACK RATE</b>	<b>9.163</b>	PYM - ME

**CALCULATION OF PERCENTAGE INCREASE IN PROPERTY TAXES**

If the 2022 Proposed Millage Rate for this Taxing Jurisdiction exceeds Rollback Millage Rate computed above, this section will automatically calculate the amount of increase in property taxes that is part of the notice required in O.C.G.A. § 48-5-32.1(c) (2)

Rollback Millage Rate	9.163
2022 Millage Rate	9.163
<b>Percentage Tax Increase</b>	<b>0.00%</b>

**CERTIFICATIONS**

I hereby certify that the amount indicated above is an accurate accounting of the total net assessed value added by the reassessment of existing real property for the tax year for which this rollback millage rate is being computed.

-----  
Chairman, Board of Tax Assessors Date

I hereby certify that the values shown above are an accurate representation of the digest values and exemption amounts for the applicable tax years.

-----  
Tax Collector or Tax Commissioner Date

I hereby certify that the above is a true and correct computation of the rollback millage rate in accordance with O.C.G.A. § 48-5-32.1 for the taxing jurisdiction for tax year 2022 and that the final millage rate set by the authority of this taxing jurisdiction for tax year 2022 is \_\_\_\_\_

**CHECK THE APPROPRIATE PARAGRAPH BELOW THAT APPLIES TO THIS TAXING JURISDICTION**

☐ If the final millage rate set by the authority of the taxing jurisdiction for tax year 2022 exceeds the rollback rate, I certify that the required advertisements, notices, and public hearings have been conducted in accordance with O.C.G.A. §§ 48-5-32 and 48-5-32.1 as evidenced by the attached copies of the published "five year history and current digest" advertisement and the "Notice of Intent to Increase Taxes" showing the times and places when and where the required public hearings were held, and a copy of the press release provided to the local media.

☒ If the final millage rate set by the authority of the taxing jurisdiction for tax year 2022 does not exceed the rollback rate, I certify that the required "five year history and current digest" advertisement has been published in accordance with O.C.G.A. § 48-5-32 as evidenced by the attached copy of such advertised report.

*Paul J. Clayton*  
-----  
Responsible Party

Chairman  
-----  
Title

8-23-2022  
-----  
Date

STATE OF GEORGIA  
COUNTY OF DECATUR

AFFIDAVIT OF CHAIRMAN OR PRESIDING OFFICER

Pete Stephens, Chairman of the Decatur County Board of Commissioners, being duly sworn, states under oath that the following is true and accurate to the best of his/her knowledge and belief:

1.

The Decatur County Board of Commissioners met in a duly advertised meeting on August 23, 2022.

2.

During such meeting, the Board voted to go into closed session.

3.

The executive session was called to order at 7:20 a.m./p.m.

4.

The subject matter of the closed portion of the meeting was devoted to the following matter(s) within the exceptions provided in the open meetings law:

☒ Consultation with the county attorney or other legal counsel to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. 50-14-2(1);

☐ Discussion of tax matters made confidential by state law as provided by O.C.G.A. 50-14-2(2) and (insert the citation to the legal authority making the tax matter confidential) \_\_\_\_\_;

☐ Discussion of the future purchase, disposal of or lease of real estate as provided by O.C.G.A. 50-14-3(4);

☐ Discussion of deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee as provided in O.C.G.A. 50-14-3(6);


☐ Other \_\_\_\_\_ as provided in \_\_\_\_\_.

This 23<sup>rd</sup> day of August, 2022.

Sworn to and subscribed  
Before me this 23<sup>rd</sup> day of  
August, 2022.

Notary Public Michelle B. West

My commission expires:  
\_\_\_\_\_

  
Pete Stephens, Chairman  
Decatur County Board of Commissioners

