

CHAPTER 1

GENERAL PROVISIONS

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1.01.00 TITLE

This code shall be known as and entitled the "Monroe 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 Monroe County, Georgia.
- B. **Repealer.** This UDO is intended to consolidate, repeal and replace the existing provisions of the Monroe County code of ordinances pertaining to land use and development. Upon adoption of this ordinance, the pre-existing provisions of the Monroe County Code provided for in this UDO, or in conflict with this UDO, shall be repealed, except as provided herein.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 Monroe 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 Monroe County, Georgia.
- 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. Encourage the most appropriate use of land, buildings, and structures;
16. Promote economically sustainable development; and
17. Assure that land is developed in conformity with the Monroe County Comprehensive Plan.

1.06.00 RELATIONSHIP TO COMPREHENSIVE PLAN

The Monroe 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. It is intended that the Comprehensive Plan should guide decision making under this UDO, but ultimately the power to zone and regulate uses shall be in the board of commissioners. No decision shall be invalid simply because it does not strictly follow the Comprehensive Plan.

1.07.00 ZONING ADMINISTRATOR

The Monroe County Zoning Administrator is assigned to administer, interpret, and implement the standards, criteria, and procedures of this UDO. The zoning administrator may delegate such responsibilities to County staff. Throughout this UDO, the term “zoning administrator” 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, “zoning administrator” means the “zoning administrator or designee.”

1.08.00 DOCUMENTS ADOPTED BY REFERENCE

1.08.01 Official Zoning Map of Monroe County

The map entitled, "The Official Zoning Map of Monroe County, Georgia," indicates the locations of zoning district boundaries in Monroe County. The Official Zoning Map

shall be signed by the chairman of the board of commissioners and dated, and shall be maintained by the zoning administrator as of the date of the adoption of the Official Zoning Map and amendments thereto.

1.08.02 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 zoning administrator shall be responsible for interpretation. In the interpretation of this UDO, the zoning administrator shall be guided by the Monroe County Comprehensive Plan and applicable state law.
- B. Responsibility for interpretation by the zoning administrator 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 Monroe County Board of Commissioners to any commission, board, or official named in other sections or chapters of this UDO.

1.09.03 Rules for boundary interpretations

Where uncertainty exists with respect to the exact location of the boundary of a zoning district shown on the official maps, the following guidelines will be used in establishing the exact location of the boundary:

- A. Where a zoning district boundary line as appearing on the official map divides a single lot that was a single lot at the time of the enactment of this ordinance, the requirements for the zoning district in which the greater portion of the lot lies must be extended to the balance of the lot.
- B. Where a zoning district boundary is indicated as approximately following a municipal/county boundary, such municipal/county boundary is the boundary.
- C. Where a zoning district boundary is indicated as approximately following a property line or such line extended, the line or lines extended is the boundary.
- D. Where a zoning district boundary is indicated as approximately following the centerline of a stream bed, such a centerline is the boundary.
- E. Where a zoning district boundary is indicated as approximately following or parallel to the centerline of a street, road, railroad, or the right-of-way of such a facility, the zoning district boundary is parallel to the line and at a distance from it as indicated by scale on the official map.
- F. Where a zoning district boundary is indicated as approximately following section lines, half-section lines, or quarter-section lines, the boundary shall be construed as following such lines.
- G. Where a zoning district boundary is indicated as approximately following the shoreline of a river, stream, lake or other water body, the boundary shall be construed as following such shoreline.

1.09.04 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.

1.09.05 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.

Accessory use: A use customarily incidental or subordinate to, but related to the principal structure, building, or use of land and located on the same lot with such principal use or structure.

Accessory dwelling unit: A second dwelling unit, either attached to an existing structure or freestanding, for use as a complete, independent living facility for a single household, with provision within for cooking, sanitation, and sleeping.

Active recreational facilities: 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, excluding clubhouses, developed areas and accessory uses.

Administrator, zoning: The person, officer, or official and her/his authorized representative whom the board of commissioners of Monroe County has designated as its agent for the administration of these regulations.

Adult entertainment establishment: In addition to any definition of adult business or adult entertainment establishment as it now or hereafter appears in the Monroe 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 Monroe County Adult Amusements and Entertainments ordinance.

Agriculture or Agricultural: A parcel used primarily for soil-dependent cultivation of agricultural crop production, the raising of livestock or forestry.

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 that of one district classification to another or movement of a building from one location to another.

Applicant: Any person who applies for a rezoning action, variance, conditional use permit, sign permit, certificate of zoning compliance or building permit, and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.

Arterial streets and highways: Those that are primarily designed to accommodate fast or heavy traffic.

Automobile repair garage: Any area of land, including any building or structures thereon, that is used for the storage, servicing, repairing, equipping, or hiring of motor vehicles.

Automobile sales lot: A premises designed or used for storage and display for sale of automobiles, motorcycles, recreational vehicles, or other motorized vehicles. Motorized vehicles for sale will typically be stored outside. All other activities must be in an enclosed building.

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.

Bed and breakfast (B&B): A dwelling unit, other than a hotel, motel or boarding house or portion thereof, where short-term lodging rooms and meals are provided to registered guests for compensation. The operator of the Bed and Breakfast must live on the premises.

Best Management Practices (BMPs): See section 3.08.02 for definition.

Board of commissioners: The Monroe County Board of Commissioners.

Boardinghouse or roominghouse: A building other than a hotel where lodging and meals are provided for compensation or by pre-arrangement for at least 3 and not more than 20 persons at any one time. A building other than a hotel is not considered a boardinghouse by reason of a contribution to or an expense sharing arrangement with the owner or tenant occupying the dwelling by a person related by blood or marriage.

Borrow pit: An extracted area where naturally occurring earthen materials are to be removed for use as ordinary fill at another location.

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 or as a condition of zoning approval for a specified property. 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 inspector: Authorized representative of the building department responsible for performing inspections on all permitted building projects.

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 permit: The document issued by Monroe 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.

Business, retail: Business establishments that generally sell commodities or services in varying quantities to the general public. These commodities or services are mainly for the use of the purchaser.

Business, wholesale: Business establishments that generally sell commodities or services in large quantities or by the piece to retailers, jobbers, other wholesale businesses, or manufacturing establishments. These commodities or services are mainly for resale, for use in the fabrication of a product, or for use by a business service.

Camp or campground: A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units (including, but not limited to: cabins, tents, recreational vehicles or travel trailers) as temporary living quarters. In this instance, "temporary" refers to occupancy for not more than thirty (30) continuous days with the exception of the owner and/or campground host.

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.

Carport: A roofed, accessory building or structure, not necessarily fully enclosed on the sides and usually open on two or more sides, made of canvas, aluminum, wood, or any combination thereof, including such materials on movable frames, for the shade and shelter of private passenger vehicles or other motorized or non-motorized equipment such as tractors and boats.

Cemetery, religious institution: A plot of ground, building, mausoleum, or other enclosure owned by a religious institution and used for the burial of deceased persons who are generally members of that religious institution.

Cemetery, private: Any plot of ground, building, mausoleum, or other enclosure used for the burial of deceased persons of one collateral line of descent.

Cemetery, public: A plot of ground, building, mausoleum, or other enclosure located on public property and used for the burial of deceased persons.

Change of occupancy: A discontinuance of an existing use and substitution of a use of a different kind or class. Change of occupancy does not include a change of tenants or proprietors unless accompanied by a change in type of use.

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: Buildings and facilities owned or operated by a corporation, association, person, or persons for social, educational, or recreational purposes, but not primarily for profit or to render a service to the general public.

Collector streets: Streets whose primary purpose is to carry traffic from minor streets to the major system of freeways, expressways, and arterial streets and highways.

Commercial recreational facility, outdoor: A recreational land use conducted outside of a building, characterized by potentially substantial impacts on traffic, the natural environment, and the surrounding neighborhood, including, but not limited to, the following: amusement parks, stadiums, amphitheaters, fairgrounds, drive-in theaters, golf driving ranges, miniature golf courses, batting cages, race tracks for

animals or motor-driven vehicles, unenclosed firearms shooting ranges and turkey shoots, fishing ponds, equestrian centers and horse and pony riding rinks, botanical and zoological gardens, zoos for exotic animals or wildlife, recreational vehicle parks, and ultra-light flight parks. This term does not cover those uses listed under the "recreation, active" or "recreation, passive" definitions.

Community center: A place, structure, area, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

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

Comprehensive plan: The "Comprehensive Plan for Forsyth-Monroe County" as may be amended from time to time.

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.

Conditional use: A use which is not permitted inherently but which may be permitted within a zoning district subject to approval by the board of commissioners. Conditional use is synonymous with special use.

Condominium: An estate in real property consisting of an undivided interest with other purchasers in the common grounds together with a separate interest in a dwelling unit location on the common grounds.

Conservation easement: A nonpossessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open-space values of real property; assuring its availability for agricultural, forest, recreational, or open-space use; protecting natural resources; maintaining or enhancing air or water quality; or preserving the historical, architectural, archeological, or cultural aspects of real property (O.C.G.A. § 44-10-1); A legally enforceable agreement between a property owner and the holder of the easement in a form acceptable to the governing body and recorded in the office of the clerk of the Superior Court of Monroe County. A conservation easement restricts the existing and future use of the defined tract or lot to conservation use, agriculture, passive recreation, or other specifically permitted use and prohibits further subdivision or development.

Conservation subdivision: A subdivision for dwellings where open space is the central organizing element of the subdivision design and that identifies and permanently protects all primary and all or some of the secondary conservation areas within the boundaries of the subdivision. A conservation subdivision is not a use per se, but

rather a land planning technique that allows the clustering of uses in order to protect open spaces.

Construction, actual: The commencement and continuous, uninterrupted prosecution of construction for the purpose of permanent placement and fastening of materials to the land or structure, for which a permit required pursuant to this resolution or a commercial development permit, if required, has been issued for the same purposes. Construction includes filling, grading, the installation of drainage facilities, and substantial demolition, clearing, excavation, or removal of an existing structure preparatory to new construction, provided that work shall be reasonably continuous until the completion of the new construction.

Convenience store: A retail store, usually with a floor area less than 6,000 square feet, that sells convenience goods, such as prepackaged food items and a limited line of groceries. Convenience stores may or may not sell gasoline, diesel, and kerosene but do not include automotive repair or maintenance services. A convenience store is an enclosed retail trade establishment.

Cut: A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface. Also known as excavation.

Day care center: Any place operated by a person, society, agency, corporation, institution or group, and licensed or registered by the State of Georgia as a group day care home or day care center, wherein are received for pay for group supervision and care, seven (7) or more individuals for more than four (4) hours and less than twenty-four (24) hours per day. This definition also includes nurseries, pre-kindergarten facilities, and playschools.

Day care home: Any place operated by any person, who receives for pay three (3) to six (6) children for group care, without transfer of custody, for more than four (4) hours and less than twenty-four (24) hours per day.

Density, gross: The total number of dwelling units divided by the total project area, expressed as gross dwelling units per acre.

Density, net: The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses and excludes such areas as street rights-of-way, parks, open space, flood hazard areas, required buffers, stormwater facilities, and public land.

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.

Development director: The use of the word "development director" shall mean the Director of the Monroe County Community Development Department or his/her designee.

Development plan: A to-scale drawing of a single-family residential, multi-family residential, institutional, office, commercial, or industrial development, or some combination thereof, showing the general layout of a proposed development including among other features the location of buildings, parking areas, buffers and landscaping, and open spaces.

Drainage structure: A device composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control, or flood control purposes.

Dry cleaners: A business that provides laundry cleaning, excluding self-service, and contains on the premises equipment necessary for laundry processing and/or cleaning.

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.

Enforcer: The Director of the Monroe County Community Development Department or his/her designee.

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.

Feepayer: That person who pays a development impact fee or his/her successor in interest. In the absence of any express transfer or assignment of the right or entitlement to any refund of previously paid development impact fees, the right or entitlement shall be deemed "not to run with the land."

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.

Firearm repair business: Any establishment where the sole function lies in the repair of firearms.

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.

Flea market: The use of land, structures or buildings for the sale of produce or goods, usually second-hand or cut-rate. A flea market is an open air business that shall have a place for storage of all goods and produce after the market closes.

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.

Fueling center: A facility that provides for fueling for tractor-trailer rigs and has each of the following characteristics: 1) a convenience store or restaurant as the principal facility on the property, 2) there are no more than five diesel fuel pumps accessible by tractor-trailer rigs, all of which are located in the rear of the facility and screened from the public right-of-way, 3) there are less than 10 tractor-trailer parking spaces, which must be in the rear of the facility and screened from the public right-of-way, 4) overnight tractor-trailer parking is not permitted, and 5) there are no bathrooms with public bathing facilities. The screening discussed above shall be accomplished by a 20-foot wide buffer with a fully opaque evergreen vegetation. No fueling center shall be established within 300 feet of an existing fueling center measured along the shortest direct line, property line to property line.

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 station: A facility to obtain motor vehicle fueling, but which does not possess any of the criteria listed in the definition for *truck stop*.

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 Monroe 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.

Gross floor area: The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Group home: A residence under the ownership and supervision of a public, educational, or governmental institution occupied or intended for occupancy by several unrelated persons or families but where separate cooking facilities are not provided for such resident persons or families.

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 of the Interior 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.

Home occupation: Any use, occupation or activity conducted entirely within or on the same lot as a dwelling by a resident or residents thereof, which is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof.

Hotel: A commercial lodging service with one or more buildings devoted to the temporary shelter (15 days or less in one room) for the traveling public, and where entry to individual guest rooms is via a central lobby. A hotel may include as accessory uses the following: full dining, public bar, retail uses, and special event or conference center 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.

Industrial park: A tract of land subdivided and developed according to a comprehensive development plan in a manner that provides a park setting for industrial establishments.

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).

Junk yard: A lot, land or building, or part thereof, used primarily for the collection, storage, and sale of waste paper, rags, scrap metal, or discarded material, or for the collection, dismantling, storage, and salvaging of machinery or vehicles not in running condition, or for the sale or parts thereof. Junk yards must be fully screened on all sides.

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 Monroe County.

Kenel: Any facility used for the purpose of commercial boarding or sale of domestic animals or pets such as, but not limited to, dogs and cats, and any other customarily incidental treatment of the animals such as grooming, cleaning, selling of pet supplies, or otherwise.

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 3.08.03, paragraph E.

Land trust: A private, nonprofit conservation organization formed to protect natural resources, such as productive farm or forest land, natural areas, historic structures, and recreational areas.

Landfill: A disposal facility where any amount of solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludges, or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon. Landfills are further divided into three categories below:

- ***Construction and demolition landfill:*** 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.
- ***Inert waste landfill:*** A disposal facility accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves, and specifically excluding construction and demolition waste.
- ***Sanitary:*** The burial of non-hazardous waste where such waste is covered on a daily basis, as distinguished from a "construction and demolition" or "inert" landfill.

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. For the purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

Light manufacturing structure or use: An establishment or use for production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing or repair of materials, goods or products that does not produce or emit offensive or environmentally unsafe noise, odor, fumes, or smoke and does not require flammable materials for resale or storage. Examples of light manufacturing include, but are not limited to, warehouses, distribution centers, manufacturing and assembly of clothing, electric appliances, etc.

Lot: A parcel of land occupied or to be occupied by one or more main buildings and accessory buildings with such open and parking spaces as are required by the provisions of this resolution and having its frontage upon a public street or streets.

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 Monroe 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 factory-built, single-family structure that meets the Federal Manufactured Home Construction and Safety Standards Act (42 USC Sec. 5401), commonly known as the HUD (U.S. Housing and Urban Development) Code.

Manufactured home park: Any property on which three (3) or more manufactured homes are located or intended to be located for purposes of residential or recreational occupancy.

Manufactured home space: A parcel of land within a manufactured home park which is reserved or leased for the placement of an individual manufactured home and accessory structures for the exclusive use of its occupants.

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.

Manufacturing, processing and assembling: The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories or mills and characteristically use power driven machines and materials handling equipment. Establishments engaged in assembling components parts of manufactured products are also considered under this definition if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastic resins or liquors.

Marina: a facility for storing, servicing, fueling, berthing and securing and launching of private pleasure craft that may include the sale of fuel and incidental supplies for the boat owner's crews and guests.

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)

Medical clinic: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, other health care professionals, or similar professions.

Mine Development: The preparation of a surface or subsurface area for commercial mining including non-commercial extraction of ore bearing or non-ore bearing rock, excavation for open pit, declines, adit, drifts, shaft construction, or any surface construction or excavation.

Mining: the removal from the earth of materials, minerals and other solid matter that will be further processed, refined, cleaned or altered in any way and then incorporated into manufactured products either in the County or other commercial markets. Water acquired for personal or commercial uses and earthwork necessary for normal grading operations are exempted from this definition.

Mini-warehouses or storage: A building or portion thereof used for storage, mainly of excess personal property of an individual or family and also for small amounts of goods or merchandise for businesses. Mini-warehouses or storage units shall not include retail sale on the premises, commercial repair or other services, manufacturing or any other commercial use other than the storage of articles as defined herein. This includes self-storage warehouses/facilities.

Minor utility facility: Any structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose by the Georgia Public Service Commission and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. Examples include, but are not limited to, pump stations, community well houses and above-ground utility cabinets. Minor utilities are exempt from minimum lot size and setback requirements. Excepted from this definition are major utilities.

Motel: A commercial lodging service with one or more buildings devoted to the temporary shelter (15 days or less in one room) for the traveling public, and where entry to individual guest rooms is via the exterior of the building rather than through a central lobby.

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.

Multi-use trail: A path that does not permit motorized vehicles (except for publicly authorized emergency and service vehicles) and which may accommodate multiple non-motorized uses, including bicyclists, pedestrians, wheelchair users, joggers, pet owners, roller bladders, skateboarders, etc.

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

Nightclub: An establishment operated as a place of entertainment, characterized by any or all of the following as a principal use:

- (1) Live, recorded, or televised entertainment, including, but not limited to, performances by musicians or comedians;
- (2) Dancing.

Non-conforming building, structure, or use: A building, structure, or land use existing at the time of enactment or amendment of this resolution, which, by virtue of that enactment or amendment, does not conform with regulations of the district in which it is located.

Non-conforming lot: A lot, the area, width, or other characteristics of which fails to comply with applicable ordinances and which was of record and in full compliance with all applicable federal, state and local laws, rules and ordinances prior to the enactment of these or other ordinances, but which does not comply with the requirements of this ordinance.

Non-conforming use: A lawful use of land that does not comply with the use ordinance for its zoning district but which complied with applicable ordinances at the time the use was established.

Nursing home: A facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to more than three (3) persons.

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.

Outdoor display area: The area where goods for sale or for advertisement are placed outside of a building or structure, including, but not limited to, vehicles, garden supplies, gas, tires, motor oil, food and beverages, boats and farm equipment, motor homes, and clothes.

Outdoor storage: The storage of any material or object for a period greater than twenty-four (24) hours, including items for sale, lease, processing, and repair (including vehicles) not in an enclosed building.

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.

Overburden: All of the earth and other materials, which lie above natural deposits of ores or minerals, and includes all earth and other materials disturbed from their natural state in the process of surface mining.

Overlay district: A district that applies supplementary regulations to land previously classified as belonging to a specific zoning district or land-use category.

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.

Permitted use: Any use by right that is specifically authorized in a particular zoning district.

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 care home: A building, or group of buildings, facility, or place operated by a person, firm, corporation, association, organization, trust, or partnership not legally related to the individuals served and licensed by the state to provide community alternatives in a residential environment to institutional care for individuals in need of such care and providing a residence for such persons. Such facilities provide room, board, personal and physical care, and supervision in a family environment. The term "Personal Care Home" shall include, but shall not be limited to, homes as established under the Georgia "Community Services Act for the Mentally Retarded" (Ga. Laws 1972, page 200), and facilities of similar intention and purpose, but shall not include facilities housing persons convicted of crimes but not housed in penal institutions. This definition shall also exclude any nursing homes or similar facilities which offer nursing care or medical supervision.

Personal care home, congregate: A personal care home which offers care to sixteen (16) or more persons.

Personal care home, family: A personal care home in a family-type residence, non-institutional in character, which offers care to two (2) to six (6) persons.

Personal care home, group: A personal care home in a residence or other type of building or buildings, non-institutional in character, which offers care to seven (7) to fifteen (15) persons.

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.

Professional: When used in connection with "use," "office," and "occupancy," a use or occupancy by persons generally engaged in rendering personal, executive, sales, or administrative services or activities, including, but not limited to, accountants, architects, engineers, land surveyors, doctors, lawyers, insurance offices, real estate offices, religious organizations, stock brokers, and administrative agencies considered professional in character. This term does not include repairs or sales of tangible personal property stored or located on the premises or any use that would create any loud noise or noxious odors.

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

Public utility structure or building: A structure or building containing equipment or workers involved directly in the operation, as opposed to the administration, of public utility services.

Public health hazard: Any building or structure, substance, site or activity which creates a danger to public health or safety because of damage, decay, exposure, or other condition.

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.

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

Residential child care facility: An institution, society, agency, or facility providing full-time care for children less than seventeen (17) years of age outside of their own homes, including temporary shelters or other facilities for children and their families or portions thereof. This term shall include "child-caring institutions," as defined in the Georgia Children and Youth Act (O.C.G.A. § 49-5-1), but shall not include foster family homes.

Restaurant: The use of land and structures for on-premises sale and consumption of food and beverages, including alcohol, when properly licensed.

Restaurant, drive-in: An eating or drinking establishment that caters to motor-driven vehicle business where the person being served consumes his food or drink while sitting in a motor driven vehicle, as opposed to a restaurant serving exclusively inside an enclosed building.

Restaurant, family: Establishment, privately owned and operated where food and beverage are sold primarily for consumption on the premises and is not part of a chain restaurant or franchise.

Restaurant, fast-food: An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, or griddled quickly or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers.

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 Monroe 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 Monroe 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 Monroe 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 Monroe County Board of Commissioners, or a street owned and/or maintained by a municipality.

Road Classification Map: The official map adopted by the Monroe County Board of Commissioners showing the County's road system and identifying the roads on it by their intended level of service, such as local streets, collector streets and arterial streets. When the street is adopted, it shall be marked on the Road Classification Map and be signed and dated by the Chairman of the Board of Commissioners.

Rooming house: A building other than a hotel where lodging for 3 but not more than 20 persons is provided for compensation or by pre-arrangement but no meals are served.

Sale, garage or yard: Any outdoor display of merchandise for sale, not to exceed more than three (3) continuous days out of three (3) continuous months.

Salvage yard: A lot, land, or structure, or part thereof, used primarily for the collection, storage, and sale of wastepaper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition; or for the sale of parts thereof. This term also includes junk yards. Must be blocked from view from any roadway.

School: A public or private facility that provides a curriculum of elementary and secondary academic instruction including kindergartens and pre-kindergartens.

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.

Shopping center: A group of retail business and service uses on a single site planned and developed as a unit, with common off-street parking facilities.

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.

Sign area: The area within a continuous perimeter enclosing the limits of writing, representation, emblem or any figure or similar character, together with any frame of other material or color forming an integral part of the display or used to differentiate this sign from the background against which it is placed, excluding the necessary supports or uprights on which this sign is placed; provided, however, that any open space contained within the outer limits of the display face of a sign or between any component, panel, strip or fixture of any kind composing the display face shall be included in the computation of the area of the sign whether this open space is enclosed or not by frame or border.

Sign face: The surface of the sign upon, against or through which the message of the sign is exhibited.

Sign height: The vertical measurement from the highest part of a sign, including all support structures, to the average ground level. Any earth berm or elevated foundation that supports a sign, sign post, or sign support is included in the height of the sign.

Sign, outdoor advertising: A structural poster panel or painted sign, either free-standing or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the premises upon which it is located. See the County sign ordinance for specific regulations.

Sign structure: Any construction used or designed to support a sign.

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

Silviculture: The art of producing, reproducing and growing a forest of distinctive stands of trees.

Site built: A building constructed on-site with approved building materials, inspected periodically during construction, and constructed according to locally adopted building codes.

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 energy farm: An energy conversion system, including appurtenances, which converts solar energy to a usable form of energy to be used on site or to transfer to the public electric grid in order to sell electricity to a public utility entity. Property used in solar energy development shall be termed a "solar energy farm" if the acreage of land utilized in its construction and installation exceeds five acres.

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.

Stadium: A large open or enclosed space used for games, sporting events, or other major public gathering purposes, and partly or completely surrounded by tiers of seats for spectators.

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 Monroe 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 Monroe 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 Monroe 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 Monroe 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.

Telecommunications equipment: Any equipment used to provide wireless telecommunication service, but which is not affixed to or contained within a wireless telecommunication facility, but is instead affixed to or mounted on an existing building or structure that is used for some other purpose. Wireless

telecommunication equipment also includes a ground mounted base station used as an accessory structure that is connected to an antenna mounted on or affixed to an existing building.

Telecommunications tower: A structure designed and constructed to support one (1) or more antennas used by commercial wireless telecommunication facilities and including all appurtenant devices attached to it. A tower can be freestanding (solely self-supported by attachment to the ground) or supported (attached directly to the ground and with guy wires), of either lattice or monopole construction.

Temporary: In absence of any more specific regulations, any land use or structure that will not be in use any longer than ninety (90) consecutive days.

Temporary residence: A manufactured home used as a temporary residence during reconstruction of a permanent home that has been destroyed by fire, natural disaster, or condemnation. A temporary residence must be removed immediately upon completion of construction or no later than 30 days after the issuance of a certificate of occupancy.

Temporary structure: Any structure used in conjunction with construction work which may not be used as a residence, and must be removed immediately upon completion of construction.

Theater: an indoor commercial facility used for the sole purpose of showing commercially produced movies to a paying audience. Generally theaters contain a concession facility.

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, 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.

Zoning enforcement officer: The person designated by the County board of commissioners to enforce and administer the provisions of this resolution.

1.11.00 STANDARDS FOR THE EXERCISE OF THE ZONING POWERS

- A. The following factors shall be the standards for the exercise of the zoning powers and should be considered when making any zoning decision, including the rezoning of property or the issuance of a special use permit:
1. The existing uses and zoning of nearby property.
 2. The suitability of the property for the zoned purpose.
 3. The length of time the property has been vacant.
 4. The threat to the public health, safety, and welfare if rezoned.
 5. The extent to which the value of the property is diminished by the present zoning.

6. The balance between the hardship on the property owner and the benefit to the public in not rezoning.
 7. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning; provided, however, evidence that the economic value of the property as currently zoned is less than its economic value if rezoned as requested will not alone constitute a significant detriment.
 8. The aesthetic effect of existing and future use of the property as it relates to the surrounding area.
 9. The impact on the environment including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality and quantity.
- B. In making a zoning decision, the board of commissioners may also consider whether the proposed development will:
1. Have an adverse effect on the insurance rating of the County, or any substantial portion of the County, issued by the Insurance Service Office or a similar rating agency.
 2. Overtax the public utilities and streets presently existing to serve the site.
 3. Create an isolated district unrelated to adjacent and nearby districts.
 4. Unduly increase or over-tax the load on public facilities including, but not limited to, schools, utilities, and streets.
 5. Unduly increase the cost to the County and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures.

CHAPTER 2

ZONING DISTRICTS AND USES

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2.00.00 GENERALLY

The use of buildings, structures, and land shall comply with the use requirements for zoning districts set forth in this UDO. Buildings, structures, or land shall be occupied or used only in conformity with all of the regulations set forth herein for the district in which it is located.

2.01.00 ESTABLISHMENT AND PURPOSE OF ZONING DISTRICTS

2.01.01 Official Zoning Map of Monroe County, Georgia

The Official Zoning Map and Official Zoning Block Maps, Monroe County, Georgia, are hereby designated to be 2.01.01 of this ordinance. Any reference to the official map or official maps in this ordinance refers to the Official Zoning Map and Official Zoning Block Maps, Monroe County, Georgia. All properties within the unincorporated portions of Monroe County, Georgia, shall be zoned as set forth on the official County zoning map and the official zoning block maps of the County, as amended from time to time. The official maps shall be kept under the custody of the zoning administrator and shall be subject to public inspection. The official County zoning maps are incorporated in this chapter by express reference.

2.01.02 Rural zoning districts

A-R agricultural-residential. A-R zoning districts are intended to establish and preserve quiet areas where the primary activities are those of farming, agriculture, livestock, timber cultivation, and related uses consistent with maintaining the land resources of Monroe County reserved for these purposes. Residences of a low-density nature which are incidental to these activities are also permitted. These districts are free from other uses which are incompatible with a low-density, agricultural-residential neighborhood.

2.01.03 Residential zoning districts

- A. R-1 single-family residential - low density. R-1 zoning districts are intended to establish and preserve quiet, relatively low-density neighborhoods of single-family residences as desired by large numbers of people. These districts are free from other uses which are incompatible with single-family homes.
- B. R-2 single-family residential - medium density. R-2 zoning districts are intended to establish and preserve quiet, relatively low-density neighborhoods of single-family residences as desired by large numbers of people, but at a higher density of development than that allowed in R-1 districts. These districts are free from other uses which are incompatible with single-family homes.

- C. R-3 single-family residential - high density. R-3 zoning districts are intended to establish single-family residential neighbors of relatively high density, where public water and sewer are available. Where public water and sewer are not available, the R-3 zoning district will be subject to the same development standards as the R-2 district.
- D. R-4 residential - manufactured home communities. R-4 zoning districts are intended to provide a place for manufactured housing communities, as more fully provided in, and subject to, the requirements of section 4.07.00.

2.01.04 Commercial, office, and institutional zoning districts

- A. O-1 office-residential. O-1 zoning districts are intended to establish and preserve districts for lower density office activities with a mix of certain compatible residential activities also permitted. In many cases, the O-1 district may be appropriate to provide a transition from residential uses where it is elected not to use a buffer for such purposes and where adequate space exists for such a transition area. O-1 district development standards require adequate setback space and off-street parking and service facilities. Permitted uses are restricted and protected from encroachment by uses capable of adversely affecting the limited character of the district.
- B. C-1 commercial - light/neighborhood. C-1 zoning districts are intended to establish and preserve small business areas of a limited nature that serve primarily the residential neighborhood in which they are located. Development standards for C-1 districts are designed to promote compatibility with the surrounding residential neighborhood.
- C. C-2 commercial - general/highway. C-2 zoning districts are intended to establish and preserve business areas that are motor vehicle oriented, rather than pedestrian oriented. C-2 districts provide areas that are convenient and attractive for retail activities, business transactions, and services to the public designed primarily to meet the day-to-day shopping and service needs not only of residents of Monroe County, but of surrounding communities as well. Off-street parking and minimum setbacks are required. These areas are more suburban in nature than of a "downtown" character.

2.01.05 Industrial zoning districts

- A. M-1 manufacturing - light. M-1 zoning districts are intended to establish and preserve physically and aesthetically desirable areas in which clean, low-intensity manufacturing activities may locate and be protected from the intrusion of incompatible land uses. By having such areas available, both new and existing industries may operate and undertake expansion of facilities with the least possible adverse effect on other types of activities which might be

incompatible with manufacturing. The elimination of non-manufacturing activities from M-1 districts benefits manufacturing activities by removing some possible obstacles to their smooth operation and expansion.

- B. M-2 manufacturing - general. M-2 zoning districts are intended to establish and preserve physically and aesthetically desirable areas in which higher intensity manufacturing activities may locate and be protected from the intrusion of incompatible land uses. By having such areas available, both new and existing industries may operate and undertake expansion of facilities with the least possible adverse effect on other types of activities which might be incompatible with manufacturing. The elimination of non-manufacturing activities from M-2 districts benefits manufacturing activities by removing some possible obstacles to their smooth operation and expansion.
- C. M-3 manufacturing - heavy. M-3 zoning districts are intended to establish and preserve physically and aesthetically desirable areas in which heavy manufacturing activities may locate and be protected from the intrusion of incompatible land uses. By having such areas available, both new and existing industries may operate and undertake expansion of facilities with the least possible adverse effect on other types of activities which might be incompatible with manufacturing. The elimination of non-manufacturing activities from M-3 districts benefits manufacturing activities by removing some possible obstacles to their smooth operation and expansion. M-3 districts are permitted only where frontage on an arterial street/road is available.

In regards to properties in the M-1, M-2 and M-3 zoning districts, no activity which is part of the principal use shall occur on the setback (i.e., where a recycling center is established, no part of the collection or storage of the recyclable materials shall occur in the setback).

2.01.06 Zoning districts explained

- A. Districts are areas of land within Monroe County to which different development requirements and standards are applied. These differences are intended to promote the separation of incompatible uses, encourage sound land use patterns, and retain the character of the community. Although this ordinance establishes the locations of district boundaries, as indicated on the official map, the boundaries may be amended in the future in order to meet changing needs if facts are presented and accepted in support of such an amendment.
- B. In making the decision to amend the boundary of a district, the standards for the exercise of the zoning power as well as the other specific criteria in the UDO should be considered by the planning and zoning commission as well as the board of commissioners.

2.01.07 Zoning districts and future development map relationship

The Monroe County Comprehensive Plan was prepared by the planning and zoning commission and adopted by the board of commissioners of Monroe County. It should provide the best possible indication of desirable land use patterns that will meet projected future demand for land uses of various types. The Monroe County Land Use Plan supplies a body of information on which decisions on future development may be made that are guided by sound planning principles. The plan does not legally regulate land uses. It contains a land use map which shows suitable areas for various types of land uses. Actual land uses may not necessarily conform to the land use map.

2.02.00 LAND USES PERMITTED IN EACH ZONING DISTRICT

2.02.01 Generally

The following Table of Permitted Uses is hereby adopted. No principal use shall be established on any property unless it is shown as permitted, by right or subject to special use approval, for the applicable zoning district on the Table of Permitted Uses. A “P” on the Table of Permitted Uses means that the listed use is permitted in the particular zoning classification. An “SU” on the Table of Permitted Uses means that the use is permitted in the particular zoning district as a special use. Uses shown as permitted by right or by special use are subject to the regulations and restrictions provided in this UDO.

2.02.02 Table of Permitted Uses

Uses & Structures	A-R	R-1	R-2	R-3	R-4	O-1	C-1	C-2	M-1	M-2	M-3
Acid storage and manufacturing											SU
Adult entertainment establishment (subject to the County's Adult Amusements and Entertainment Ordinance)										P	P
Agriculture	P									P	
Airports	SU										
Airstrip, private	SU										
Ambulance or emergency service	SU										
Amusement or recreational activities commercial							P	P	P	P	
Animal hospital, commercial kennels, veterinary clinic or animal boarding place							SU	SU	P	P	
Animal processing facility	SU										
Antenna: satellite, television, radio, etc.	P	P	P	P	P						
Apothecary (drug sales only)							P	P			
Armory	SU								P	P	
Auto parts and tire stores							P	P	P		
Automobile, construction and commercial vehicle dealers (includes rental) a. Automobile, light truck and motorcycle dealers b. Antique auto dealers c. Commercial truck dealers d. Heavy equipment dealers e. Farm equipment dealers f. Motor home and recreational vehicle dealers g. All-terrain vehicle (ATV), golf cart and snowmobile dealers h. Boat and watercraft dealers i. Aircraft dealers j. Utility trailer dealers								P			
Automobile washateria								P			
Baking establishment										P	
Bank and financial institutions								P			
Bar, tavern, or nightclub							P	P			
Batching plant										SU	SU
Bed and breakfast inn	P						P				
Boardinghouse or roominghouse						SU					
Book binding, printing, engraving, blueprinting, photostatting, letter shop							P	P	P	P	
Bottling plant									P	P	
Building contractor and related activities: sale & storage of building supplies & materials								P	P		

Uses & Structures	A-R	R-1	R-2	R-3	R-4	O-1	C-1	C-2	M-1	M-2	M-3
Bulk petroleum plant										P	
Bulk storage								SU	SU	SU	SU
Business offices such as insurance & real estate offices, where the nature of the business is primarily that of personal service							P	P			
Business or commercial school						P					
Business service centers							P	P			
Cabinet shop									P	P	
Campground / recreational vehicle park	SU										
Carnival, rodeo, horse show or athletic event, community fair or other event of interest to the public (subject to special event permit requirement)	P										
Cement, lime, gypsum, or plaster of Paris manufacture										P	
Cemetery	SU					P					
Ceramic products manufacture, limited to use of electric kilns										P	
Church, synagogue, chapel, or other place of religious worship	P	P	P	P	P	P	P	P	P	P	
Clinic						P	P	P			
Clothing & dry good stores							P	P			
Club or lodge						P					
Cold storage, ice plant, or freezer locker									P	P	
College, university, or private school						P					
College or university with dormitories, fraternity and/or sorority houses, when located on main campus	SU										
Commercial livestock processing										P	
Commercial or large scale slaughter of animals											SU
Congregated personal care home						P					
Cosmetic and pharmaceuticals manufacturing									P	P	
Crematory	SU										
Cultural facilities							P	P			
Dairy plant, ice cream manufacturing									P	P	
Dance school or studio							P	P			
Day care center											
Deck, patio, barbecue grill, or other such facility	P	P	P	P	P						
Department stores							P	P			
Distillation of bones, coal, petroleum, animal refuse, grain, tar, and wood											SU
Distilleries and breweries										P	P
Distribution of products or merchandise									P	P	
Drive-in restaurants							P	P			
Drive-in theater	SU						P	P			

Uses & Structures	A-R	R-1	R-2	R-3	R-4	O-1	C-1	C-2	M-1	M-2	M-3
Drug stores							P	P			
Dry cleaning or laundering establishment							SU	P	P	P	
Dwelling, industrialized housing	P	P	P	P	P	P					
Dwelling, single-family detached	P	P	P	P		P					
Dwelling, manufactured homes	P			P	P						
Education or training facility								P	P	P	
Electrical appliance and equipment sales and repair									P	P	
Electronic manufacturing and assembly									P	P	
Experimental laboratory									SU	SU	
Explosives, including fireworks manufacture or storage in bulk quantities											SU
Fabricating shop such as woodworking or sheet metal shop									P	P	
Family personal care home	P	P	P	P		P					
Farmers market	SU							SU	SU		
Fat rendering, production of fats and oils from animals or vegetable products by boiling or distillation											SU
Feed, grain, or fertilizer manufacture or storage										P	
Feed, grain, or fertilizer wholesaling and storage									P	P	
Feed, seed, and insecticides and fertilizer retail sales							P	P	P	P	
Flee market								SU	SU	SU	SU
Flower shop							P	P			
Food processing plant										SU	
Food stores							P	P			
Foundry or forging of iron, steel, brass, copper, and other metals										SU	SU
Freezer lock service, ice storage							P	P	P	P	
Freight express office								P			
Fueling center								P	P		
Funeral home							P	P			
Garbage, waste animal parts, dead animal reductions or dumping											SU
Garden, noncommercial	P	P	P	P	P						
Garden, commercial	P										
Gas station							P	P	P		
Gasoline storage terminal										P	
Glass sales and storage							P	P	P	P	
Glue, size, or gelatin manufacture											SU
Golf course, planned as an integral part of the planned residential development											
Golf course—public or private	SU										
Grain elevator										P	

Uses & Structures	A-R	R-1	R-2	R-3	R-4	O-1	C-1	C-2	M-1	M-2	M-3
Greenhouse and plant nursery (commercial)							P	P	P	P	
Group care home (6 or less residents)	P	P	P	P	P						
Group care home (more than 6 residents)							P	P			
Gun store							P	P			
Heavy agricultural equipment sales and repair										P	
Heavy manufacturing										SU	SU
Home furnishings and hardware							P	P	P	P	
Home occupation, Type I	P	P	P	P	P	P					
Home occupation, Type II	SU	SU	SU	SU	SU	SU					
Hospital	SU					P		P			
Hotels								P			
Ice manufacture, including dry ice plant										P	
Immediate family member housing	SU										
Incinerators, commercial											SU
Intermediate care home						P					
Intermediate care home, nursing home, or personal care home											
Junkyard and salvage yards										SU	
Kennel	SU										
Laboratory serving professional requirements—medical, dental							P	P	P		
Landfill											SU
Launderette or washateria							P	P			
Library	SU						P	P			
Light manufacturing									SU		
Locksmith, gunsmith							P	P	P		
Lumber yard, coal storage yards, or other storage not specifically listed in this column									P	P	
Machine shop									P	P	
Manufactured home for temporary hardship meeting the development standards contained in Chapter 54 of the Code of Ordinances	SU	SU	SU	SU	SU						
Manufacturing activity which does not cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odor, dust, fire hazard, or other objectionable conditions									P	P	
Manufacturing activity which may cause noise, vibrations, smoke, gas, fumes, odor, dust, fire hazard, or other objectionable conditions.										SU	SU
Manufacturing in connection with the principal retail business or service on the lot								P			
Medical, dental, or similar clinic						P	P	P			
Mineral exploration (commercial)											SU
Motels								P			

Uses & Structures	A-R	R-1	R-2	R-3	R-4	O-1	C-1	C-2	M-1	M-2	M-3
Motor vehicle impound lot								P			
Motorized race tracks	SU						SU	SU			
Music teaching studio (also see home occupation)	SU	SU	SU	SU	SU	SU	P	P			
Neighborhood dry-cleaning plants										P	SU
Newspaper or magazine publication and distribution								P	P	P	
Nondepository credit intermediation businesses as specified under 2002 and 2007 NAICS Code 522298							SU				
Nursery school, day care center	SU										
Nursing home							P	P			
Off-street parking lot or parking garage								P	P	P	
Office								P			
Office equipment sales and service							P	P			
Paint, oil shellac, turpentine, or varnish manufacture											SU
Paper mills, chemical pulp manufacture											SU
Parking of one unoccupied RV and one pleasure boat	P	P	P	P	P						
Parking of one unoccupied travel trailer, motor coach, or pleasure boat											
Parks and playgrounds	P	P	P	P	P						
Pawn shops								P			
Personal service shops							P	P			
Pest control								P	P	P	
Petroleum bulk dist.									P	P	
Photography studio	SU	SU	SU	SU	SU	SU	P	P			
Planing or saw mill										P	
Plumbing shop, other contractor, including open storage of materials when located in rear setback									P	P	
Potash works											SU
Poultry processing plant										P	SU
Printing, publishing, reproducing establishment								P	P	P	
Private garage or carport not to exceed the storage capacity of three automobiles per dwelling unit	P	P	P	P	P						
Private swimming pool and bathhouse or cabana	P	P	P	P	P						
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 ten feet high.	P	P	P	P	P						
Professional or business office meeting the following development standards: No wholesale or retail merchandise may be offered for sale.							P				
Public buildings, structures, and uses											
Public garage									P	P	
Publicly owned and operated park or recreation area	P	P	P	P	P	P					

Uses & Structures	A-R	R-1	R-2	R-3	R-4	O-1	C-1	C-2	M-1	M-2	M-3
Race tracks and similar amusement or recreational activities (commercial), carried on outside a building which produce noise and/or noxious fumes, such as drag racing strips, race tracks, motorcycle races or ATV (all terrain vehicle) courses, and uses of a similar nature	SU							SU			
Radio or television tower	SU										
Radio or television transmission tower over 35 feet high									SU	SU	
Radio station								P			
Radio transmission tower less than 35 feet high										P	
Railroad classification and repair yard										P	SU
Railroad freight station									SU	SU	SU
Railroad or bus passenger station							P	P	P		
Railroad setback										P	
Raising or sale of livestock	P								SU	SU	
Recovered materials processing and solid waste handling facilities											SU
Recreation area owned, operated, and maintained by the owner(s) of the permitted use, exclusively for the use of residents and their guests	P	P	P	P	P						
Recycling center										SU	
Repair garage; paint and body shop								SU	P	P	
Residential manufactured housing sales room and sales lot									P		
Restaurants and food catering service							P	P			
Retail business, other							SU	SU			
Retail or service business greater than 45,000 gross square feet							SU				
Retail or service business greater than 150,000 gross square feet								SU			
Retail uses in conjunction with and normally appurtenant to office/institutional uses, including florist shop, cafeteria, snack shop, pharmacy, or gift shop when located within an office or medical building						P					
Roadside stands for sale of agricultural products grown on the premises, but not to exceed 500 square feet in floor area	P										
Rock, sand, or gravel distribution or storage										P	
Roofing operation										P	
Satellite dish antennas and television antennas						P					
School—elementary, middle, high—public or private, kindergarten	SU					P					
Scrap metal processor											SU
Self-storage facility							SU	P	P	P	
Shell home display yards									P		

Uses & Structures	A-R	R-1	R-2	R-3	R-4	O-1	C-1	C-2	M-1	M-2	M-3
Shooting range, indoor	P							P	P	P	
Shooting range, outdoor	SU										
Shrubbery sales							P	P	P		
Sign painting and fabricating shop									P	P	
Smelting of tin, copper, zinc, or iron ores											SU
Solar energy farm	SU							SU	SU	SU	SU
Solid waste landfill or incineration											SU
Spa, massage parlor, or other personal care services as specified under 2007 NAICS Code 812199. These include: a. Baths, steam or Turkish b. Color consulting services (i.e., personal care services) c. Day spas d. Depilatory (i.e., hair removal) salons e. Ear piercing services f. Electrolysis (i.e., hair removal) salons g. Hair removal (i.e., depilatory, electrolysis) services h. Hair replacement services (except by offices of physicians) i. Hair weaving services j. Make-up salons, permanent k. Massage parlors l. Saunas m. Scalp treating services n. Steam baths o. Sun tanning salons p. Tanning salons q. Tattoo parlors r. Turkish bathhouses s. Turkish baths											
Special events facility	P						P				
Specialty shops							P	P			
Talon, grease, or lard manufacture or refining from or of animal fat											SU
Tanning, curing, or storage of raw hides or skins											SU
Tattoo parlors								SU			
Taxi services or related services as specified under 2002 and 2007 NAICS Code 485310							SU				
Taxidermist	SU								P		
Textile manufacturing plant										SU	SU
Theatre							P	P			
Tinsmith operation										P	
Tire recapping										SU	SU

Uses & Structures	A-R	R-1	R-2	R-3	R-4	O-1	C-1	C-2	M-1	M-2	M-3
Truck stop								P	P		
Truck terminal										P	
Upholstery shop							P	P	P		
Use requiring a license for removal of asbestos-containing material											SU
Use requiring a state permit for the collection, transfer, or disposal of radioactive equipment, supplies, etc.											SU
Use requiring a state permit for the collection, transfer, or disposal of solid waste											SU
Use requiring a state permit for the generation, transport, storage, treatment, and/or disposal of hazardous waste											SU
Use requiring a state permit for the storage of petroleum products or certain chemicals underground											SU
Use requiring an EPD wastewater discharge permit											SU
Utility substation	P	P	P	P	P	P	P	P	P	P	P
Wholesale and warehousing operation									P	P	

2.02.03 Dimensional standards for building height and location

The following Table of Lot Standards shows the Minimum Lot Size; Minimum Floor Area Per Dwelling Unit; Minimum Lot Width; Minimum Front Yard Setback from Right-of-Way of Street for Arterial Streets, Collector Streets, and Other Streets; Minimum Side Setback; Maximum Building Height; and Minimum Rear Setback for lots in each zoning classification. No lot shall be used or created in a manner that violates any of the regulations shown in the Table of Lot Standards for that lot's particular zoning classification, except by grant of variance.

	A-R	R-1	R-2	R-3	R-4	O-1	C-1	C-2	M-1	M-2	M-3
Minimum Lot Size	3 acres	2 acres	1 acre	½ acre	25 acres	½ acre	½ acre	½ acre	2 acres	2 acres	2 acres
Minimum Floor Area Per Dwelling Unit (in square feet)	1,500 ⁽⁵⁾	1,500	1,500	1,500	1,200	1,050	1,050	1,050	1,050	1,050	1,050
Minimum Lot Width at Road (in feet)	200	200	150	100	150	100	100	100	150	150	150
Minimum Front Yard Setback from Right-of-Way of Street for:											
A: Arterial Streets	100	100	100	100	75	35	35	35	100	100	200
B: Collector Streets	50	35	35	35	50	35	35	35	80	100	
C: Other Streets	15	15 ⁾	15	15	50	15	15	15	55	100	
Minimum Side Setback (in feet)	30	15	15	11	50	15	15	15	15 ⁽³⁾	15 ⁽³⁾	35 ⁽⁴⁾
Maximum Building Height (in feet) ⁽¹⁾	35	35	35	35	35	35	35	50 ⁽²⁾	50 ⁽²⁾	75 ⁽²⁾	75 ⁽²⁾
Minimum Rear Setback (in feet)	50	30	30	20	50	30	30	30	15 ⁽³⁾	15 ⁽³⁾	35 ⁽⁴⁾

- (1) Height limits do not apply to projections not intended for human habitation.
- (2) Buildings with areas for human habitation above 35 feet require pre-approval by the Monroe County Fire Chief certifying that the County has adequate resources to provide fire protection.
- (3) 15 feet, unless abutting a district other than M-1, M-2, or M-3. In that case, the minimum setback is 100 feet.
- (4) 35 feet, unless abutting a district other than M-1, M-2 or M-3. In that case, the minimum setback is 200 feet.
- (5) 750 feet for manufactured homes.

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 Monroe County, and to implement policies in the Monroe County Comprehensive Plan. The natural features and natural resources included in Chapter 3 are the floodplain, water supply watersheds, 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 Monroe County, Georgia, does ordain the provisions of this article.

3.01.02 Findings of fact

- A. The flood hazard areas of Monroe 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 Monroe 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 Monroe 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 at the Monroe County Planning and Zoning office.

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 Monroe 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 zoning administrator 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 zoning administrator 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 zoning administrator 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 zoning administrator shall review the above-referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further 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 administrator

Duties of the zoning administrator 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 zoning administrator 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 zoning administrator 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. or 3.01.18B.
 - 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 zoning administrator 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 zoning administrator 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.
- 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 zoning administrator 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 zoning administrator 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 zoning administrator 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 Monroe County Board of Commissioners shall hear and decide requests for appeals or variance from the requirements of this article, and Chapters 9 and 10 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 zoning administrator in the enforcement or administration of this article.
- C. Any person aggrieved by the decision of the board may appeal such decision to the Superior Court of Monroe County, as provided in O.C.G.A. § 5-4-1 et seq.
- 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 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 zoning administrator 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 may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.

3.02.00 ESTABLISHMENT AND PURPOSE OF OVERLAY DISTRICTS

3.02.01 Generally

Overlay districts are a special purpose zoning classification used to supplement, not substitute for, the current zoning districts, called the "underlying district," in order to protect and promote public and private investment. More stringent controls generally apply within the overlay districts than would normally be required in the underlying districts.

In addition, overlay districts apply additional standards to specific areas which may lie within any of the above districts. Those districts are as follows:

- A. Watershed Water Supply Districts
- B. GRAP, Groundwater Recharge Area Protection.
- C. RBZ, Riparian Buffer Zone.
- D. WP, Wetlands Protection.

3.03.00 WATERSHED WATER SUPPLY DISTRICTS

3.03.01 Overlay

The water supply watershed protection district shall overlay other zoning districts so that all land lying within the water supply watershed protection districts shall also be included in the underlying district(s). Each parcel of land within the water supply watershed protection district shall be subject to the provisions, regulations, and restrictions of both the water supply watershed protection district and its underlying district(s). In the event of a conflict or discrepancy between the requirements of the watershed protection overlay and the underlying district(s), the more stringent shall apply.

3.03.02 Findings of Fact

In order to provide for the health, safety, and welfare of the public and a healthy economic climate within the County, it is essential that the quality of public drinking water be assured. The ability of natural systems to filter stormwater runoff can be threatened by unrestricted urban and suburban development. Land-disturbing activities associated with development can increase erosion and sedimentation that threaten the storage capacity of reservoirs. In addition, stormwater runoff, particularly from impervious surfaces, can introduce toxicants, nutrients, and sediment into drinking water supplies, making water treatment more complicated, expensive and rendering water resources unusable. Industrial land uses that involve the manufacture, use, transport and storage of hazardous or toxic waste materials result in the potential risk of contamination of nearby public drinking water supplies.

3.03.03 Purpose

The purpose of the water supply watershed protection district regulation is to establish measures to protect the quality and quantity of the present and future water supply for the County. It also minimizes the transport of pollutants and sediments to the water supply and maintains the yield of the water supply watersheds.

3.03.04 District Delineation

The protected water supply watershed districts are hereby designated and shall consist of the land areas that drain to the public water supply intake or water supply reservoir. The boundaries of these districts are defined by the ridge lines of the respective watershed and the boundary of a radius seven (7) miles upstream of the respective public water supply intakes. These districts shall be further delineated and defined on the water supply watershed protection district overlay map of the Monroe County official zoning map, which is hereby incorporated and made a part of this article by reference.

3.03.05 Permitted Uses

All uses allowed in the underlying zoning districts as established by this article, except for those listed in prohibited uses below, are permitted in the water supply watershed protection district and are subject to the following conditions and standards:

A. *Natural buffer requirements.*

1. Within a seven-mile radius upstream of the public water intakes, a natural buffer, one hundred (100) feet wide, shall be maintained on both sides of the stream, measured from the stream banks. Similarly, outside the seven-mile radius, a natural buffer of fifty (50) feet shall be maintained on both sides of the stream.
2. A natural buffer shall be maintained for a distance of one hundred fifty (150) feet from the boundary of any existing or future water supply reservoir.

B. *Impervious surface limitations.*

1. No more than twenty-five (25) percent of the land area of any parcel or lot on which new development is placed may be covered by impervious surface within a designated water supply watershed protection district.
2. Within a seven-mile radius upstream of all public water intakes, no impervious surface shall be constructed within a one-hundred-fifty-foot setback area on both sides of the stream as measured from the stream bank.
3. Outside a seven-mile radius upstream of all public water intakes, no impervious surface shall be constructed within a seventy-five-foot setback area on both sides of the stream, as measured from the stream

bank; and no septic tanks or drainfields are permitted within the seventy-five-foot setback area.

4. Septic tanks and the drainfields of septic tanks are prohibited in the setback areas of subsection (2) above.

3.03.06 Exemptions

The following uses are exempt from the stream corridor buffer and setback requirements if they meet the stipulated conditions:

A. *Utilities.*

1. Utilities shall be located as far as reasonably possible from the stream bank and shall not impair the quality of the drinking water stream.
2. Utilities shall be installed and maintained without changing the integrity of the buffer and setback areas as much as possible.

B. *Forestry and agricultural activities.*

1. Agriculture activities involving the planting and harvesting of crops are exempted if they conform to the Best Management Practices established by the Georgia Department of Agriculture.
2. Silviculture activities must conform to the Best Management Practices established by the Georgia Forestry Commission.

3.03.07 Site Plan Requirements

Except for the exemptions listed below, all forms of development within the water supply watershed protection district shall be required to have a site plan submitted and approved according to this article before any rezoning requests or building permits may be approved or any land disturbing activity may take place. Each site plan submitted shall include the following:

- A. A site plan drawn to a scale and showing all planned improvements including width, depth, and length of all existing and proposed structures, road water courses, drainage ways, water wastewater, stormwater facilities, and utility installations.
- B. Location, dimensions, and area of all impervious surfaces, both existing and proposed, on the site.
- C. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or body of water.

- D. Elevations of the site and adjacent lands within two hundred (200) feet of the site at contour intervals of no greater than five (5) feet.
- E. Erosion and sedimentation control plan.
- F. Any facility in the process of expanding shall provide location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous toxic waste.

3.03.08 Activity Compliance

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 as proposed, can be amended only with the approval of the Monroe County Building Official. Minor changes such as realignment of streets or minor alterations to drainage structures and other infrastructure to meet unexpected conditions are exempted from this requirement.

3.03.09 Exemptions from Site Plan Requirement

- A. Repairs to a facility that is part of a previously approved and permitted development.
- B. Construction of minor structures such as sheds, or additions to single-family residences.

3.03.10 Prohibited Uses within the Water Supply Watershed Protection District

- A. All sanitary landfills with or without synthetic liners and leachate collection systems.
- B. Any facility using hazardous materials.

3.04.00 GRAP, GROUNDWATER RECHARGE AREA PROTECTION

3.04.01 Purpose

In order to provide for the health, safety, and welfare of the public and a healthy economic climate within Monroe 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 Monroe 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.

3.04.02 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 Monroe 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.

3.04.03 Protection criteria

- A. No construction may proceed on a building or manufactured home to be served by a septic tank unless the Monroe 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 5×10^{-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.

3.04.04 Exemptions

Any lot of record approved prior to the adoption of this ordinance is exempt from the minimum lot size requirements contained in sections 3.04.03.B and 3.04.03.C of this ordinance.

3.04.05 Permit requirements and enforcement

A. *Site plans.* Application for a local development permit within the Monroe 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 zoning administrator. 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 zoning administrator and will be reviewed within 15 days. At the time of the application, the applicant shall pay a filing fee as specified by Monroe County. This fee may be used to retain expert consultants who will provide services pertaining to functional assessment, mitigation, and Monroe County Groundwater Recharge Area Protection District boundary determinations, as deemed necessary by the zoning administrator. The review period shall include the preparation of findings (approval, approval with conditions, or disapproval) by the zoning administrator. The applicant will receive written notification of the findings of the zoning administrator. Decisions of the zoning administrator may be appealed to the Monroe County Board of Commissioners.
- 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 zoning administrator.
- F. *Suspension, revocation.* The zoning administrator 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.

3.04.06 Judicial review

- A. *Jurisdiction.* All final decisions of the Monroe County Board of Commissioners concerning denial, approval or conditional approval of a permit shall be reviewable in the Monroe County Superior Court.
- B. *Alternative actions.* Based on these proceedings and the decision of the Monroe County Superior Court, the Monroe County Board of Commissioners or its designee may 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 Monroe County Board of Commissioners.

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 RBZ, RIPARIAN BUFFER ZONE

3.05.01 Intent and purpose

The streams and rivers of Monroe County supply much of the water required by Monroe 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 Monroe County is connected with the quality of the surface water in the streams and rivers of Monroe County. Furthermore, the people of Monroe County use the surface waters for fishing, canoeing, and other recreational and economic purposes. The Monroe County Board of Commissioners finds that the protection of the streams and rivers of Monroe 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 Monroe 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 Monroe County's Home Rule and zoning powers defined in the Georgia Constitution. (Article DC, Section 2). In the event of a conflict between or among any provisions of this ordinance, or any other ordinances of Monroe County, the requirement that is most restrictive and protective of water quality shall apply.

3.05.02 Title

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

3.05.03 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 Monroe 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 zoning 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 office of planning and zoning of Monroe County.

3.05.04 Exceptions

- A. The following land uses are excepted from the provisions of section 3.05.03:
 - 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 zoning 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.

3.06.00 WP, WETLANDS PROTECTION

3.06.01 Purpose

The wetlands in Monroe 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 Monroe 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.

3.06.02 Establishment of the Wetlands Protection District

The Wetlands Protection (WP) District is hereby established which shall correspond to all lands within the jurisdiction of Monroe 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 Monroe 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.

3.06.03 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 Monroe County. If the area proposed for development is located within 50 feet of a Wetlands Protection District boundary, as determined by the zoning administrator 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 3.06.04 of this article and exempted in Section 404 of the Federal Clean Water Act.

3.06.04 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.

3.06.05 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.

3.06.06 Permit requirements and enforcement procedures

- A. *Site plans.* Application for a local development permit within Monroe 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 zoning administrator. 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 zoning administrator and will be reviewed within 30 days. At the time of the application, the applicant shall pay a filing fee as specified by the Monroe 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 zoning administrator. The review period shall include the preparation of findings (approval, approval with conditions, or disapproval) by the zoning administrator. The applicant will receive written notification of the findings of the zoning administrator. Decisions of the zoning administrator may be appealed to the Monroe County Board of Commissioners.

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 zoning administrator.

F. *Suspension, revocation.* The zoning administrator 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.

3.06.07 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.

3.06.08 Assessment relief

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

3.07.00 AQUIFER RECHARGE AREA PROTECTION

3.07.01 Title of the article, findings, and objectives

- A. *Title of article.* This article shall be known as the Aquifer Recharge Area Protection Ordinance of Monroe 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 Monroe 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.

3.07.02 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 Monroe 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.

3.07.03 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.

3.07.04 Permit requirements and enforcement

No building permit, rezoning request, or subdivision plan may be approved by Monroe County or its designee unless the permit, request or plan is in compliance with the aquifer protection standards listed in section 3.07.05.

- A. *Enforcement.* Monroe 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 Monroe County or its designee deems necessary.
1. The Monroe County zoning and planning department and the Monroe County building inspector are hereby designated respectively as the administrator and enforcement officer for this article.
 2. The County building inspector 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 inspector 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 inspector 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 3.07.06.
 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 zoning administrator 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 zoning administrator. The applicant may request written notification of the findings of the County zoning administrator. 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 zoning administrator may be appealed to the Monroe County Board of Commissioners.
- 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 zoning administrator or designee.

3.07.05 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.

3.07.06 Judicial review

- A. *Jurisdiction.* All final decisions of the County Board of Commissioners concerning denial, approval, or conditional approval of a permit shall be reviewable in the Monroe County Superior Court pursuant to Chapter 10.
- 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.

3.07.07 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.

3.07.08 Assessment relief

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

3.08.00 SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL

3.08.01 Title

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

3.08.02 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.

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 3.08.04.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 subsection O.C.G.A. § 12-7-8(a).

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 nonerrodible 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).

Trout streams: All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3-6 at www.gaepd.org. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

3.08.03 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. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of O.C.G.A. § 12-7-6(b) and the buffer zones provided by this paragraph shall be enforced by the local issuing authority;
- 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 3.08.04C, 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 and provided, further, that nothing contained herein shall prevent the local issuing authority from regulating any such project which is not specifically exempted by paragraphs A, B, C, D, E, F, G, I or J of this section;
- 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 local issuing authority, the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;

- 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, in which case the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and
- K. Any public water system reservoir.

3.08.04 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 3.08.04B 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 3.08.04B 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 or by more than 10 nephelometric turbidity units for waters classified as trout waters. 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 3.08.04C.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 3.08.04B.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. There is established a 50-foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action along the banks of any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act," except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25-foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board of Natural Resources, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:
- 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.
- 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 3.08.04B 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.

3.08.05 Application/permit process

- A. *General.* The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The local issuing authority shall review the tract to be developed and the area surrounding it. They shall consult the zoning ordinance, stormwater management ordinance, subdivision ordinance, flood damage prevention ordinance, this article, and any other ordinances, rules, regulations or permits which regulate the development of land within the jurisdictional boundaries of the local issuing authority. However, the owner and/or operator are the only parties who may obtain a permit.
- B. *Application requirements.*
1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the County without first obtaining a permit from the Monroe County Office of Planning and Zoning to perform such activity and providing a copy of notice of intent submitted to EPD if applicable.
 2. The application for a permit shall be submitted to the Monroe County Office of Planning and Zoning and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in

section 3.08.05C. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land-disturbing activity proposed will be carried out in such a manner that the provisions of section 3.08.04B and C will be met. Applications for a permit will not be accepted unless accompanied by two copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-.10.

3. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. § 12-5-23, provided that such fees shall not exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land-disturbance permit. In a jurisdiction that is certified pursuant to O.C.G.A. § 12-7-8(a), half of such fees levied shall be submitted to the division; except that any and all fees due from an entity which is required to give notice pursuant to O.C.G.A. § 12-7-17(9) or (10) shall be submitted in full to the division, regardless of the existence of a local issuing authority in the jurisdiction.
4. Immediately upon receipt of an application and plan for a permit, the local issuing authority shall refer the application and plan to the district for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The district shall approve or disapprove a plan within 35 days of receipt. Failure of the district to act within 35 days shall be considered an approval of the pending plan. The results of the district review shall be forwarded to the local issuing authority. No permit will be issued unless the plan has been approved by the district and any variances required by section 3.08.04C.15 and 16 have been obtained, all fees have been paid, and bonding, if required as per section 3.08.05B.6, has been obtained. Such review will not be required if the local issuing authority and the district have entered into an agreement which allows the local issuing authority to conduct such review and approval of the plan without referring the application and plan to the district. The local issuing authority with plan review authority shall approve or disapprove a revised plan submittal within 35 days of receipt. Failure of the local issuing authority with plan review authority to act within 35 days shall be considered an approval of the revised plan submittal.

5. If a permit applicant has had two or more violations of previous permits, this section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, the local issuing authority may deny the permit application.
6. The local issuing authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the local issuing authority with respect to alleged permit violations.

C. *Plan requirements.*

1. Plans must be prepared to meet the minimum requirements as contained in section 3.08.04B and C, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The Manual for Erosion and Sediment Control in Georgia is hereby incorporated by reference into this article. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and state laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land-disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the commission and in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.
2. Data required for site plan shall include all the information required from the appropriate erosion, sedimentation and pollution control plan

review checklist established by the commission as of January 1 of the year in which the land-disturbing activity was permitted.

D. *Permits.*

1. Permits shall be issued or denied as soon as practicable but in any event not later than 45 days after receipt by the local issuing authority of a completed application, providing variances and bonding are obtained, where necessary, and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.
2. No permit shall be issued by the local issuing authority unless the erosion, sedimentation and pollution control plan has been approved by the district and the local issuing authority has affirmatively determined that the plan is in compliance with this article, any variances required by section 3.08.04C.15 and 16 are obtained, bonding requirements, if necessary, as per section 3.08.05B.6 are met, and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the local issuing authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
3. Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this ordinance, and any other ordinances relating to land development, as are applied to private persons, and the division shall enforce such requirements upon the local issuing authority.
4. If the tract is to be developed in phases, then a separate permit shall be required for each phase.
5. The permit may be suspended, revoked, or modified by the local issuing authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this article. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
6. The local issuing authority may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. § 12-7-7(f)(1).

7. No permit shall be issued unless the applicant provides a statement by the tax commissioner's office certifying that all ad valorem taxes levied against the property and due and owing have been paid.

3.08.06 Inspection and enforcement

- A. The Monroe County Office of Planning and Zoning will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the local issuing authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of Best Management Practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of Best Management Practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this 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 Monroe County Office of Planning and Zoning 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 local issuing authority, 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. The district or the commission or both shall semi-annually review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to O.C.G.A. § 12-7-8(a). The district or the commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The district or the commission shall notify the division and request investigation by the division if any deficient or ineffective local program is found.
- F. The division may periodically review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to O.C.G.A. § 12-7-8(a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. § 12-7-8(a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. § 12-7-7(e), the division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 90 days within which to take the necessary corrective action to retain certification as a local issuing authority. If the county or municipality does not take necessary corrective action within 90 days after notification by the division, the division shall revoke the certification of the county or municipality as a local issuing authority.

3.08.07 Penalties and incentives

- A. *Failure to obtain a permit for land-disturbing activity.* If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this article without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the local issuing authority.
- B. *Stop-work orders.*
 - 1. For the first and second violations of the provisions of this article, the director or the local issuing authority 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 local issuing authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that if the violation presents an imminent threat to public health or waters of the state or if

the land-disturbing activities are conducted without obtaining the necessary permit, the director or the local issuing authority shall issue an immediate stop-work order in lieu of a warning;

2. For a third and each subsequent violation, the director or the local issuing authority 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 taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the local issuing authority 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 local issuing authority 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. *Bond forfeiture.* If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of section 3.08.05B.6. The local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.
- D. *Monetary penalties.* Any person who violates any provisions of this article, or any permit condition or limitation established pursuant to 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. For the purpose of enforcing the provisions of this article, notwithstanding any provisions in any city charter to the contrary, municipal courts shall be authorized to impose a penalty not to exceed \$2,500.00 for each violation. 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.

3.08.08 Education and certification

- A. Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.
- B. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.
- C. Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this ordinance.
- D. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of O.C.G.A. § 12-7-19(b)(1), then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in O.C.G.A § 12-7-19(b)(4) and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

3.08.09 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 Monroe County Board of Commissioners 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 local issuing authority, after exhausting his administrative remedies, shall have the right to appeal to the Superior Court of Monroe County.

3.08.10 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.

3.09.00 TREE AND VEGETATION PROTECTION

3.09.01 Purpose

The purpose of this section is to provide for the protection, conservation, and replacement of trees and landscaping in order to improve the urbanized and natural environment of Monroe County. It is the policy of Monroe County to minimize the removal of trees on development sites and, upon proper site completion, achieve replacement of trees by uniform standards set forth in this section.

3.09.02 Applicability

- A. The terms and provisions of this section and the standards set forth shall apply to:
 - 1. Individuals engaged in any activity, private and/or governmental, on real property which requires the issuance of a land disturbance permit within the County.
 - 2. Individuals engaged in the building and/or development of single-family homes or subdivisions, multifamily and manufactured home developments, and all nonresidential uses.
 - 3. Owners of individual properties more than five (5) acres in size and which are not part of a platted subdivision.
- B. Nothing in this section shall be construed to allow the removal of any tree or vegetation in a required stream buffer, watershed buffer, buffer adjacent to waters of the state, or other undisturbed or planted buffer located for protection of natural resources, except where such removal has been specifically authorized as set forth in this UDO.

3.09.03 Specific requirements for timber lands

- A. Land that is used for silviculture shall comply with the requirements of subsection 3.09.03B. or subsection 3.09.03C., below.
- B. Land that is declared silviculture shall be exempt from the requirements for tree protection provided that the following conditions are met:
 - 1. A certificate from the tax assessor indicating agricultural preference;
 - 2. A forest management plan, demonstrating compliance with the erosion control standards set forth in section 3.08.00; and
 - 3. A commitment to follow the Georgia Forestry Commission's "Best Management Practices" as set forth in paragraph E., below.
- C. Land that has been designated silviculture may subsequently be developed, provided that a development plan has been prepared and approved by the zoning administrator prior to any clearing, grading, clear-cutting, or other land disturbance. The purpose of the development plan is to ensure that cutting or harvesting of trees occurs in such a manner as to avoid the practice called "clear-cutting" prior to any subsequent development.

- D. Prior to clearing, harvesting, or cutting trees, or any grading or land disturbance, a combined timbering and logging permit shall be obtained from the County. The development plan shall include a forest management plan for the timberlands site. The management plan shall demonstrate compliance with erosion control standards set forth in section 3.08.00, protection of soil and water resources, and compliance with Best Management Practices.
- E. Georgia Forestry Commission's "Best Management Practices" (BMPs) include, but are not limited to:
1. Analyze and plan site preparation, taking into account all aspects of streamside management zones.
 2. Avoid the cutting of roads or trails unless absolutely necessary. If roads/trails are necessary, do not locate them on ridge-tops and avoid use of soft roads/trails during wet ground conditions.
 3. Avoid harrowing, root raking, or bulldozing.
 4. When forestry activities are completed for a particular period of time, temporary access roads shall be retired. This includes reshaping, mulching, and seeding, in combination with water bars.
 5. Leave logging debris on exposed soil, dry washes, and at points of concentrated drainage from skid trails and road. Do not pile debris in live or wet-weather streams.
 6. Do not service logging equipment where it will have an impact on soil or water quality.
 7. Skidding on steep slopes shall be done on a gradual grade rather than straight up the slope, and skidding shall be alternated between several skidding trails to minimize soil exposure and disturbance.
- F. In addition to the BMPs set forth above and by the Georgia Forestry Commission, the property owner shall not conduct any other land-disturbing activities for a period of three (3) years after the completion of such forestry practices.

3.09.04 Exemptions

The following situations are exempt from the provisions of section 3.09.00:

- A. Individual homeowners within platted subdivisions. The exemption does not include an exemption from requirements for protective buffers along streams, creeks, and reservoirs.

- B. All properties for which a covenant has been established with the Monroe County Board of Tax Assessors, pursuant to O.C.G.A. §§ 48-5-7.1 and 48-5-7.4, shall be exempt from the terms of this section so long as such covenant has not been breached and/or remains in effect.
- C. The following situations within all residential districts shall also be exempted:
 - 1. Where the addition to a principal structure will constitute structural and exterior changes to the home.
 - 2. Where the construction of an accessory structure(s) and/or uses including, but not limited to, swimming pools and tennis courts, is permitted, including an accessory residential living facility (a.k.a. guest quarters).
 - 3. The removal of diseased, deceased, infested or dying trees, or living pine trees or other trees which may pose a danger to an existing or proposed home, or other structure.
 - 4. Mass grading is allowed for lots ten thousand eight hundred ninety (10,890) square feet or smaller.

3.09.05 Requirements in all zoning districts

- A. The mass grading and/or clear-cutting of properties and/or parcels of land which are five (5) acres in size or greater for residential development is strictly prohibited, except as noted in subsection 3.09.04C. As to each such development, only so much land area shall be cleared as is necessary for the development and construction of roadways, utilities, and amenity areas (i.e., parking lots for clubhouses, pool areas, tennis courts, etc.).
- B. Mass grading and clear-cutting of any lot in a residential subdivision are prohibited, except as noted in subsection 3.09.04C. On such lots, land area shall be cleared only as is necessary for purposes of the proper development of said lot. Clearing shall be limited to the specific development and an area not to exceed ten (10) feet from the specific development, including areas for:
 - 1. The placement of the individual home;
 - 2. The placement of driveways and sidewalks;
 - 3. The placement of utilities and detention ponds;
 - 4. The placement of septic systems;
 - 5. The placement of roads;

6. The placement of decks and patios; and
 7. Proper drainage as required by the County.
- C. Developers and builders shall coordinate the location of all utilities with all utility companies in order to prevent root damage within the critical root zones of protected trees, so as to minimize damage to trees in the protected zones.
- D. Topographical difficulties and/or the installation of utilities shall be considered at the time of the development of a residential subdivision or parcel. Each parcel of land shall be considered on a case-by-case basis as to the removal of trees where topography and/or utility installation is a factor. Special consideration should be given to maintaining the natural topography of the land when possible, and to applying existing trees to the development of a site. The zoning administrator shall have final approval of the site. Failure to follow the approved development plan shall result in denial of the issuance of a certificate of occupancy.
- E. Unnecessary removal of trees or other vegetation shall be prohibited. The planting of grass or other ground covers shall not supersede the requirement for trees as indicated by each zoning district.
- F. Efforts should be taken to preserve existing trees, especially those trees which are eight (8) inches dbh or larger and which are of a considerable age but not dying or diseased. The preservation of large specimen trees is encouraged.
- G. It is desirable that planted trees be ecologically compatible with the site and neighborhood.
- H. Replacement trees shall be planted in a manner that will provide adequate space for nourishment, light, and maturation.

3.09.06 Protection of trees during construction

Methods and standards for tree protection shall be required as follows:

- A. Trees identified to be preserved and/or planted, and being counted as credit for meeting the requirements of section 3.09.00, shall have a valid, recognizable method of tree-protection (tree-save) marking or delineation installed at the critical root zones.
- B. No person engaged in the construction of any structure(s) or improvement(s) shall encroach on a designated tree-save/critical root zone area with heavy machinery or the storage of heavy building materials.

- C. During construction, a tree-save area must be designated around any trees that are to remain at the end of construction. Desirable trees should be identified and a physical barrier set up around the tree or group of trees. This barrier can consist of a four-foot high orange safety fence, wide plastic caution tape, a simple fence made of lumber, or other appropriate methods that can identify the noninvasive drip line area.
- D. The barrier should be placed beyond the drip zone (critical root zone) and should prevent the stockpiling of soil or building materials, dumping cleaning solvents, or parking vehicles or equipment within this barricaded area.

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 within overlay districts or 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.

- B. *Name of subdivision.* The name of the subdivision must have the approval of the planning and zoning board. 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 and zoning board.

- D. *Conformance with adopted land use plan.* Proposed subdivisions should conform with the adopted Monroe County Land Use Plan and development policies in effect at the time of submission to the planning and zoning board. When features of the Monroe 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 Monroe 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 and zoning board will waive the reservation requirements.

2. *Reservation omissions.* The planning and zoning board will not approve a subdivision plat when features specified in the Monroe 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 and zoning board 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 and zoning board 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 and zoning board 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 Monroe County.

4.01.00 SITE DESIGN STANDARDS FOR BASE ZONING DISTRICTS

4.01.01 Development standards for subdivision lots

All subdivision lots established in Monroe County must comply with the development standards contained in this ordinance. However, where provisions of the zoning ordinance apply and are stricter, those provisions take precedence. 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 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 and zoning board, 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 and zoning board.
- 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.

4.01.02 Design standards for lots

The following regulations apply to properties in all zoning districts, unless the regulations of a particular zoning district 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 all of the regulations specified for the district in which it is located.
- 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 for the district in which it is located unless that reduction or division is necessary to provide land which is needed and accepted for public use.
- 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. In the event the property is divided, no additional permits will be issued.

Within the A-R district only, tracts of land which are accessible only by recorded easement may be divided one time only into no more than three 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 except by approval of the planning commission.

- 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 is subject to the following exceptions and modifications:
 - 1. *Adjoining lots in same ownership.* When two or more adjoining and vacant lots are within a non-approved development with continuous frontage and are in single ownership at the time of application and such lots have a frontage or lot area less than is required by the district in which they are located, such lots must be replatted so as to create one or more lots which conform to the minimum frontage and area requirements of the district.
 - 2. *Single lots.* When a lot has an area or frontage which does not conform with the requirements of the district in which it is located, but was a lot at the effective date of this ordinance, such a lot may be used for any use allowed in the zoning district in which it is located 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 Monroe 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 Monroe 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 zoning administrator.
- P. *Signs.* Signs are permitted on all lots, subject to the regulations contained in the Monroe County sign regulations.

4.01.03 Design standards for non-residential structures in residential zoning districts

In order to ensure that non-residential uses allowed in residential districts are consistent with the residential nature of the district, where a non-residential primary use is permitted by this ordinance on a lot zoned R-1, R-2 or R-3, such building shall be no larger than 10,000 square feet in area.

4.01.04 Design standards for structures in commercial, office, and institutional zoning districts

A. The following additional regulations shall apply in the O-1 and C-1 districts:

Side setbacks and rear setbacks are not required adjacent to railroad rights-of-way.

B. The following additional regulations shall apply in the M-1 and M-2 districts:

1. Side setbacks and rear setbacks may be reduced by the width of adjacent railroad rights-of-way.
2. Outside storage: Outside storage of building materials is the only outside storage permitted and must be completely screened from view from adjacent properties and streets. No other outside storage is permitted.

C. The following additional regulations shall apply in the M-3 district:

1. Side setbacks and rear setbacks may be reduced by the width of adjacent railroad rights-of-way.
2. Outside storage must be completely screened from view from adjacent properties and streets.
3. Loading docks must be located to the side or rear of the building, unless the loading area is completely screened from the street.
4. The site must be designed to permit onsite maneuvering of all vehicles. No backing in from the street is permitted.
5. All applications for rezoning to M-3 must include the following information:
 - a. Copies of a written description of the proposal designed to provide detailed information about all aspects of the proposed operation and its anticipated impact on the community. The description must include copies of any reports required by the U.S.

Environmental Protection Agency or state environmental protection division. The description must also include information regarding minerals, processes (including steps to minimize adverse community impact), products, byproducts, wastes, and any additional information necessary to understand the proposal. Further, this report must address the immediate and anticipated future impacts, if any, of the proposed use on each of the following specific concerns:

- Noise.
 - Odor.
 - Water quality (surface and sewer).
 - Smoke and particulate matter.
 - Vibrations.
 - Hazardous materials (ignitable, corrosive, explosive, toxic).
 - Radiation.
 - Lighting and glare.
 - Fire hazards.
 - Water usage.
 - Any other concerns identified by the zoning administrator or applicant as pertinent to the proposed use.
- b. A listing of all federal, state, and local approvals and permits, if any, that will be required by the proposed use and the status of all requests for such approvals or permits.
- c. Project name.
- d. Project owner.
- e. Location of all proposed structures.
- f. Proposed buffers and/or screening.

4.01.05 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 Emergency Management 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 Emergency Management Director in conjunction with the United States Postal Service during the implementation stage of the system; and
2. The Emergency Management 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 Emergency Management 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 4.01.05C. 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 Emergency Management 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 (1) and less than five (5) 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 (5) 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. Implementation in stages

Because of the large and complex nature of the County and the existing numbering system now in place in some portions of the unincorporated County, this section shall be implemented in stages covering small sections of the entire area by the adoption of implementation resolutions for each section of the County. It shall be the policy of the County not to change existing numbered addresses if the existing system follows a logical and expandable order.

F. 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.

G. 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 inspector 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 inspector following the implementation of this section in the affected area of the County until the owner, developer or builder has procured from the Emergency Management 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.

H. 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.

4.02.00 SUPPLEMENTAL STANDARDS FOR SPECIFIC USES

4.02.01 Bed and breakfast inn

A structure 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

- A. New recreational vehicle parks shall meet the following requirements:
- 1) Legal septic hook ups and adequate size septic tanks, as determined by the health department, shall be provided for each recreational vehicle parking site. Where a site is used as a permanent residency, the drain field shall be approved by the health department for permanent use.
 - 2) Electrical and water hook ups shall be provided for each recreational vehicle site.
 - 3) Paved or gravel drive ways shall be provided and maintained to each recreational vehicle site.

- 4) A 20-foot wide landscaped buffer shall be provided and maintained along each public right-of-way and along the exterior border of the subject property.
 - 5) Where steps or decks are installed to a recreational vehicle, it shall comply with applicable minimum standard codes for the construction of steps and decks at single family houses.
 - 6) The park and individual sites within it shall be maintained in a clean condition free of trash and debris.
 - 7) The property shall comply with applicable accessories, sheds and storage.
 - 8) The park shall be a minimum of 25-acres.
- B. Existing recreational vehicle parks to come into compliance. The County has a number of recreational vehicle parks that do not comply with the requirements above. All existing recreational vehicle parks shall come into compliance with the requirements above within six months of the adoption of this ordinance, except where compliance is not reasonable feasible. Park owners may seek a variance of the particular requirements of the ordinance where a particular requirement is an undue hardship. Existing parks that do not come into compliance with the requirements above within this six-month period shall be considered illegal non-conforming uses, and shall be required to discontinue operation.

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

- 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, 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.
- D. Lighting plan. Any new commercial race track operation shall submit a lighting plan which shall demonstrate a plan to prevent light trespass onto neighboring residential properties and to minimize light trespass outside of the hours of operation. The plan shall be reviewed by the zoning administrator, and upon approval, all operations of the commercial race track operation shall be in conformity with the approved lighting plan.

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 Monroe 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 Monroe 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 zones.
- 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.

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 in the M-3 district. Landfills that are not permitted in any district include hazardous waste landfills. In the event a solid waste disposal facility is sought to be constructed that is not covered specifically herein, the zoning administrator 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 zoning on all adjacent parcels, 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 zoning administrator.
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 Monroe County demonstrating that the landfill is consistent with the plan.

- G. In addition to the special use criteria in this code and the standards for the exercise of the zoning power, 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 and zoning, 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 future land use map, the Monroe County comprehensive planning, 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 Club or lodge

Club or lodge establishments shall 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.

4.02.13 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.

4.02.14 Golf course

Golf courses – public or private – shall meet the following development standards:

- A. It must be for daytime use only.
- B. All buildings, greens, and fairways must be set back at least 100 feet from any property line.

4.02.15 Hospital

Hospitals shall 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.

4.02.16 Immediate family member housing

In the A-R district only, additional housing is permitted to be established for the immediate family of the owner of the subject property when the following standards are met:

- A. The parent tract must be at least four (4) acres.
- B. The deeded lot area for immediate family housing must be a minimum of one (1) acre.
- C. Minimum lot frontage of one hundred feet (100’).
- D. The home may be site-built, industrialized or class “A” manufactured home with a heated floor area of at least 1,200 square feet.
- E. Must meet all minimum setbacks in the A-R zone.

- F. The recipient of the immediate family lot must be within three steps of consanguinity from the owner of the parent tract and the resident of the parent tract.

4.02.17 Manufacturing

Manufacturing in connection with the principal retail business or service on the lot shall be permissible in commercial districts, subject to the following standards:

- A. Manufacturing area occupies less than 40 percent of the floor area.
- B. Manufacturer employs no more than five persons in the manufacturing process. (The intent here is to ensure that activities which are primarily manufacturing in nature are directed away from commercial areas and into manufacturing areas. Establishments with five or fewer manufacturing employees in connection with a commercial activity are considered to be primarily commercial and compatible with a commercial district. Manufacturing activities with more than five employees would be considered large enough to belong in a manufacturing district with other such uses rather than in a commercial district.)

4.02.18 Nursery school or day care center

Where a nursery school or day care center is operated in an A-R district, 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.

4.02.19 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 in the M-3 district.
- 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 zoning administrator.
- 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 10, 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 and zoning, 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 future land use map, the Monroe 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 and shall not be parked in any non-manufacturing district.

4.02.20 Tattoo parlors

Tattoo parlors shall meet the following development standards:

- A. It must be located on either an arterial or collector road.
- B. It must not be closer than 1,000 feet from any elementary, middle or high school.
- C. It must not be closer than 1,000 feet from any kindergarten, pre-school or day care center.
- D. It must not be closer than 1,000 feet from any church or church-owned properties.
- E. It must not be closer than 1,000 feet from any establishment serving or selling alcoholic beverages.
- F. It must not be closer than 1,000 feet from another tattoo parlor.
- G. A tattoo license must be applied for and the applicant must meet all licensure requirements.
- H. No tattoo parlor shall tattoo any person who is:
 1. Younger than 18 years of age; or
 2. Under the influence of alcohol or drugs.
- I. All tattoo parlors shall have a startup and annual inspection by the board of health.

4.02.21 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.

4.02.22 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 Monroe County currently and consistent with the board of commissioners' vision for future development in Monroe County; and that pre-owned manufactured homes are in a safe and sound condition when they are relocated into Monroe 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 Monroe 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.

Certificate of occupancy: A document issued by the building official certifying that a manufactured home is in compliance with applicable requirements set forth by this ordinance and indicating it to be in a condition suitable for residential occupancy.

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 Monroe 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 and certificate of occupancy required.

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.
2. No manufactured home shall be occupied without a certificate of occupancy. The building official shall not issue a certificate of occupancy for a manufactured home unless it has been installed in compliance with federal and state laws and regulations, manufacturers' instructions, and unless it is in conformity with all 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. Foundation. The manufactured home shall be placed on a permanent foundation.

5. Masonry skirting. The entire perimeter area between the bottom of the structure of each manufactured home and the ground, including stairways, shall be underpinned with masonry that completely encloses the perimeter of the undercarriage and attached stairways except for proper ventilation and access openings. As an alternative to masonry skirting, the skirting may be metal, faux brick, or other similar non-vinyl material.
6. Exterior finish. The exterior siding of the manufactured home shall consist of wood, hardboard, or vinyl siding material.
7. 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. A slope of three feet in height for each 12 feet in width is permissible where the roof includes a gable facing counter to the main gable of the home. Roof materials shall be wood shake, tile, or asphalt shingle material.
8. Square footage. The manufactured house shall meet the minimum square footage requirement for dwelling units in the applicable zoning district.
9. Porch. A porch or deck shall be provided facing the front yard or street prior to occupancy, with a 6-foot minimum depth and a minimum of 8 ft. in length.
10. 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.
11. 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.
12. Buffer. No manufactured home shall be located closer than 30 feet from the property line of an adjacent property having a residential zoning classification.

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 the certificate of occupancy is revoked, in order for a certification of occupancy to be reissued, the manufactured home shall be brought into compliance with this ordinance.

F. Mobile homes.

No mobile homes, defined as units constructed prior to June 15, 1976, shall be allowed within the unincorporated area of Monroe 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 Monroe 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 4. of this section.
2. Inspection. Upon receipt of a relocation permit, applicants may relocate the manufactured home onto a residential site of the proper zoning classification 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. Certificate of occupancy. A certificate of occupancy shall be issued to the applicant after installation and at such time that the building official certifies that the requirements of this ordinance have been met.
4. 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.
5. 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 Monroe County or within a convenient distance of Monroe County. In the event that the building official travels outside of Monroe 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 zoning administrator.
6. 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 and a certificate of occupancy is issued.

H. Minimum health and safety standards.

All pre-owned manufactured homes shall comply with the following health and safety standards before being issued a certificate of occupancy by the building official:

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. Unvented 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 a certificate of occupancy.
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 certificate of occupancy shall be punishable by a fine of \$100.00. Each day any violation under this ordinance continues shall be considered a separate offense.

4.02.23 Solar Energy Farms

4.02.23.01 Purpose

It is the purpose of this regulation to provide zoning classification requirements for the siting of all solar energy systems and to promote the safe, effective and efficient use of solar farm development, construction and operation.

4.02.23.02 Definitions

Words not defined herein shall be construed to have the meaning given by common and ordinary use and shall be interpreted within the context of the sentence and section in which they occur. Words used in the singular include the plural, and words used in the plural include the singular. Words used in the present tense include the future tense. The word "erected" includes the words "constructed," "located" or "relocated." The word "map" or "zoning map" means the zoning maps of the County. The word "parcel" includes the word "plot" or "lot." The word "person" includes the words "individuals," "firms," "partnerships," "corporations," "associations,"

"governmental bodies" and all other legal entities. The word "shall" is always mandatory and never discretionary. The words "used" or "occupied" include the words "intended, arranged or designed to be used or occupied."

For the purpose of this section, certain terms used herein shall be defined as follows:

Solar energy equipment: Any device associated with a solar energy system, such as an outdoor electrical unit/control box, that transfers the energy from the solar energy system to the intended on-site structure.

Solar collection system: A panel or other solar energy device, the primary purpose of which is to provide the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling or water heating.

Mechanical equipment: Any device associated with a solar energy system, such as an outdoor electrical unit/control box, that transfers the energy from the solar energy system to the intended on-site structure.

Solar access: A property owner's right to have sunlight shine on the owner's land. (The enforcement of this right is through the zoning ordinance that establishes height and setback requirements.)

Solar energy system: An energy conversion system, including appurtenances, which converts solar energy to a usable form of energy to meet all or part of the energy requirements of the on-site user. This definition shall include the terms passive solar and active solar systems.

Solar glare: The effect produced by light reflecting from a solar panel with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

4.02.23.03 Applicability

- A. This ordinance applies to solar energy systems to be installed and constructed after the effective date of the ordinance.
- B. Any upgrade, modification, or structural change that materially alters the size or placement of an existing solar energy system shall comply with the provisions of this section.

4.02.23.04 General Provisions:

- A. A solar farm installation shall be constructed on at least five or more acres.
- B. A solar farm connected to the utility grid shall provide a "proof of concept letter" from the local utility company acknowledging the solar farm will be

interconnected to the utility grid in order to sell electricity to the public utility entity.

- C. If the solar farm will be constructed by the utilization of ground mounting, then a ground mounting plan and process must be submitted during the county application process. The ground mounting plan may consist of standard solar manufacturer installation plans and processes for ground mounting.
- D. Solar panels shall not be placed in the vicinity of any airport in a manner that would interfere with airport flight patterns. Acknowledgement from the Federal Aviation Administration may be necessary.
- E. All power transmission lines from a ground mounted solar farm shall be located underground after connection from the solar panel combiners to the interconnection point.
- F. A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturers' or installers' identification and appropriate warning signage shall be posted at the site in a clearly visible manner.
- G. The local utility provider shall be contacted to determine grid interconnection and net metering policies.
- H. If a solar farm is located in a designated county watershed protection district, the solar farm developer must provide an impact statement concerning net effect of solar farm installation within the designated county watershed area. Limitations on ground disturbance will be determined and conditions of disturbance may be imposed as a condition of approval for solar farm development, construction, and operation.
- I. View shed/glare - The applicant shall demonstrate that the proposal will not have an adverse effect on neighboring properties by providing aerials of the site, graphic renderings of the project, and/or pictures from the site of surrounding parcels demonstrating sight lines. Appropriate vegetated buffers and/or plantings may also be required to help limit the visual impact of the site and possible glare issues.
- J. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.
- K. The design of the solar energy system shall conform to applicable industry standards. A building permit shall be obtained for a solar energy system per the Georgia Building Code, and the regulations adopted by the Department of

Labor and Industry. All wiring shall comply with the applicable version of the National Electric Code (NEC). The local utility provider shall be contacted to determine grid interconnection and net metering policies. The applicant shall submit certificates of design compliance obtained by the equipment manufacturer from a certifying organization, and an engineer registered in the State of Georgia shall certify any such design.

4.02.23.05 Setbacks, Separation, and Heights

- A. The design of the solar farm shall adhere to a minimum 35-foot setback from all property lines which includes a minimum fifteen (15) foot vegetative buffer.
- B. Ground mounted solar panels shall not exceed a maximum height of twenty-five (25) feet.
- C. Roof mounted solar panels shall not exceed the maximum building height on which the panels are attached.

4.02.23.06 Landscaping

The following requirements shall govern landscaping surrounding all solar energy farms:

- A. Where natural vegetation around the perimeter of the site would provide an adequate visual screen, an undisturbed buffer may be utilized.
- B. Landscaping shall be maintained by the applicant and/or owner and shall be subject to periodic review by the administrator to assure proper maintenance. Failure to maintain landscaping shall be deemed a violation of this section.

4.02.23.07 Security Fencing/Landscaping

Equipment shall be screened and fenced from adjacent property to restrict unauthorized access. Screening shall consist of a minimum 6-foot fence with the addition of shrubbery, trees or an earthen berm as may be required to comply with the view shed/glare requirements.

4.02.23.08 Change of Ownership Notification

Upon the transfer of ownership of an interest in any solar energy farm, or lot upon which such solar energy farm has been erected, the solar energy farm permittee shall notify the department of the transaction in writing within thirty (30) days.

4.02.23.09 Application Procedures

The person, company, or organization that will own and operate the solar energy farm shall make application for a permit for any solar energy farm to the department. An application will not be considered until it is complete. The administrator is authorized to develop application forms to assist in providing the required information and facilitate the application process.

4.02.23.10 Application Requirements

The following information shall be submitted for an application to be considered complete:

- A. A descriptive site plan including setbacks, panel sizes, locations of property lines, building, and road right-of-ways;
- B. Landscaping plan to scale indicating size, spacing and type of required fence, shrubbery, trees or earthen berm;
- C. A description of the anticipated maintenance needs for the solar energy farm, including frequency of service, personnel needs, equipment needs, and traffic, noise, or safety impacts of such maintenance;
- D. A utilities inventor showing the locations of all water, sewage, drainage, and power line easements impacting the proposed site;
- E. Relevant studies, reports, certificates and approvals as may be reasonably requested by the department, including, but not limited to, design review;
- F. A stormwater management study shall be provided to ensure compliance with local BMP's; and
- G. Before any construction can commence on any solar energy system, the property owner must acknowledge, in writing, to the board of commissioners that he/she is the responsible party for owning and maintaining the solar energy system.

4.02.23.11 Mechanical Equipment

All mechanical equipment associated with and necessary for the operation of the solar energy system shall comply with the following:

- A. Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other non-invasive plant species, which provides a visual screen. In lieu of a planting screen, a decorative fence meeting the requirements of the zoning ordinance may be used.

- B. Mechanical equipment shall not be located within the minimum front yard setback of the underlying zoning district.
- C. Mechanical equipment shall comply with the setbacks specified for primary structures in the underlying zoning district.

4.02.23.12 Decommissioning

The following requirements shall be met for decommissioning:

- A. The solar energy farm owner is required to notify the board of commissioners immediately upon cessation or abandonment of the operation. The owner shall be responsible for the removal of the facility within six (6) months from the date the applicant ceases use of the facility or the facility becomes obsolete.
- B. The owner shall then have twelve (12) months in which to dismantle and remove the solar energy farm from the property.
- C. At the time of issuance of the permit for the construction of the solar energy farm, the owner shall provide financial security in form and amount acceptable to the board of commissioners to secure the expense of dismantling and removing said structures.
- D. If a ground mounted solar energy farm has been abandoned (meaning not having been in operation for a period of six (6) months) or is defective or is deemed to be unsafe by the board of commissioners, the solar energy system shall be required to be repaired by the owner to meet federal, state and local safety standards, or be removed by the property owner within the time period allowed by the board of commissioners. If the owner fails to remove or repair the defective or abandoned solar energy farm, the board of commissioners may pursue a legal action to have the system removed at the owner's expense.
- E. If a ground mounted solar energy farm is removed, any earth disturbance as a result of the removal of the ground mounted solar energy farm shall be graded and reseeded.

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 Monroe 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, as provided in section 4.04.00.
 2. Within a Mixed Use (MU) district, alternative residential subdivision design standards are permissible, as provided in this ordinance.

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 10.
- E. General requirements for potable water system:
 1. Water mains properly connected with a County 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 a County approved public water system when said water system is within 200 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 Community Health, environmental health division. The subdividing of property resulting in the creation of more than one (1) additional lot, parcel, or tract of land shall be required to utilize a County approved public water system.
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 a County 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 consistent with the zoning and minimum lot area requirements of this UDO or other such larger lot area requirement as may be required by the board of health at the time of preliminary plat.
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.
- 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 ALTERNATIVE SUBDIVISION DESIGN STANDARDS

4.04.01 Conservation subdivision (CS)

- A. Generally
1. The intent of the conservation subdivision (CS) is to provide for flexibility of design in order to promote environmentally sensitive and efficient uses of the land.
 2. The number of residential dwelling units shall not exceed the number of such units permissible by the zoning district in which the CS is located.

3. All requirements set forth in section 4.03.00 regarding conventional subdivisions for provision of public improvements and infrastructure shall apply to conservation subdivisions except where specifically modified in this section.
4. Where there is conflict between the standards and requirements set forth in this section for the CS and the standards and requirements in section 4.03.00 regarding a conventional subdivision, the standards of this section shall apply. The standards set forth in this section are intended to replace the standards in section 4.03.00 regarding the design of subdivisions.
5. No building permits and no public improvements or services shall be authorized or installed for any CS until approval has been granted for the subdivision plat. Procedures for application, review, and approval of preliminary and final plats, and acceptance of public improvements, are set forth in Chapter 10.
6. In addition to other application requirements, an application for CS approval shall include the following:
 - a. Site analysis map depicting significant site features, consistent with the requirements of Chapter 3 for the protection of natural resources and environmentally sensitive lands;
 - b. Plan for management of open space and common facilities; and
 - c. Legal instrument for permanent protection of designated open space.

B. Applicability

The CS development alternative shall be applied only to land in the A-R, R-1, and R-2 zoning districts. The number of dwelling units permissible in a CS development shall not exceed the number of dwelling units that are permissible in the underlying zoning district.

C. Purpose

1. Promote the preservation of open space in environmentally sensitive areas, provide for open space connectivity, and provide for wildlife habitat and corridors within the region;
2. Preserve in perpetuity unique or sensitive natural resources such as groundwater recharge areas, floodplains, wetlands, streams, woodlands, and wildlife habitat;

3. Preserve important historic and archaeological sites;
4. Permit clustering of houses and structures on less environmentally sensitive soils, which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development; and
5. Reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.

D. Minimum requirements for water and sewer

The CS shall have access to, or propose to install, a central sanitary sewer system that meets the requirements of Monroe County, the board of health and EPD. As an alternative, a shared drain field may be proposed whereby two (2) or more lots have septic tanks which flow to a drain field in a designated common area or open space. Shared drain fields shall only be allowable when approved by the board of health. A homeowner's or property owner's association shall be required for management and maintenance of the common drain field.

E. The tract of land to be subdivided may be held in single or multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single development plan. A legal instrument shall be required to designate the authority and responsibility for open space and other common areas.

F. The CS shall meet the following design requirements:

1. Minimum land area of ten (10) acres;
2. Designation of open space pursuant to section 4.04.01(H);
3. Maximum number of dwelling units limited to the number of dwelling units permitted by the underlying zoning district (A-R, R-1 or R-2);
4. Clustering of residential development on remaining land after designation of protected open space (see section 4.04.01(G));
5. Location of dwellings and driveways to ensure minimal visual impact and to avoid interruption of views of open fields, pastures, or other agricultural areas;
6. Limiting impervious surface area to a maximum of three (3) percent within designated open space areas and to a maximum of sixty (60) percent of residential development areas (including lots, driveways, and roads); and

7. Meet the following standards presented in Table 4.04.01(F) for lots and building placement:

Table 4.04.01(F). Dimensional Standards for Lots and Building Locations in Conservation Subdivisions

Requirement	Standard
Minimum road frontage	60
Setbacks	
Front, measured from public right-of-way	20
Side, measured from property line	8
Rear, measured from property line	25
Minimum lot area	No less than 50% of the underlying zoning district requirement

G. Open space standards

1. All open space shall be permanently protected through a legal instrument of permanent protection approved by the board of commissioners.
2. The minimum open space requirement shall be forty (40) percent of the gross tract area or the sum of primary conservation areas (see section 4.04.01(H)), whichever is greater.
3. At least seventy-five (75) percent of the open space shall be in one (1) contiguous tract.
4. The open space shall adjoin any neighboring areas of protected open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.
5. Open space shall be directly accessible to the majority of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the open space.

H. Designation of open space

1. Primary conservation areas are required to be included within the open space. The following comprise primary conservation areas:
 - a. The 100-year floodplain (see section 3.01.00);
 - b. Watershed protection areas (see section 3.03.00);

- c. Groundwater protection areas (see section 3.04.00);
 - d. Riparian buffer zone areas (see section 3.05.00);
 - e. Wetlands that meet the definition used by the U.S. Army Corps of Engineers pursuant to the Clean Water Act (see section 3.06.00);
 - f. Populations of endangered or threatened species, or habitat for such species; and
 - g. Archaeological sites, cemeteries, and burial grounds.
2. Secondary conservation areas shall be included within the open space, to the maximum extent feasible, in order to protect the following features:
- a. Important historic sites;
 - b. Existing healthy, native forests of at least one (1) acre contiguous area;
 - c. Other significant natural features and scenic vistas such as ridge lines, peaks, and rock outcroppings, particularly those that can be seen from public roads;
 - d. Prime agricultural lands of at least five (5) acres contiguous area;
 - e. Existing trails that connect the tract to neighboring areas; and
 - f. Views from major and minor arterial roadways.
- I. Permitted uses of open space may include the following:
- 1. Conservation of natural, archeological, or historical resources;
 - 2. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
 - 3. Unpaved walking or bicycle trails or paths;
 - 4. Passive recreation areas, such as open fields;
 - 5. Active recreation areas, such as playgrounds or playing fields which meet the following standards:

- a. Such areas do not exceed ten (10) percent of the total open space; and
 - b. Such areas are located outside any primary conservation areas.
 - 6. Agriculture, horticulture, silviculture, equestrian, or pasture uses, provided that all applicable Best Management Practices are used to minimize environmental impacts, and such activities are not conducted within primary conservation areas unless otherwise permitted by Chapter 3 of this UDO;
 - 7. Easements for drainage, access, and underground utility lines; and
 - 8. Landscaped areas around stormwater management facilities and community wastewater disposal systems, provided that the stormwater management facilities or wastewater disposal system is located outside of primary conservation areas. A retention or detention pond shall not be considered part of the open space.
- J. Prohibited uses of open space:
- 1. Golf courses;
 - 2. Roads, parking lots, and impervious surfaces except as provided for in this section.

4.05.00 STANDARDS FOR R-4 MANUFACTURED HOUSING COMMUNITIES

4.05.01 General provisions

- A. R-4 zoning districts 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.
- B. R-4 districts are allowed only where public water and sewer are available. All dwellings must be served by public water and sewage and sewage lines. Where such lines do not already exist, the developer is responsible for installation of them.

4.05.02 Permitted uses

The following are permitted as principal uses in R-4 districts:

- 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.

4.05.03 Plan review and approval procedures

- A. *Pre-application conference.* Prior to filing a formal application for an R-4 district, the applicant may confer with the zoning administrator 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 R-4 district approval.*
 - 1. The applicant must file a proposed development plan with the zoning administrator. 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. The present zoning pattern in the area.

- g. A legal description of the subject property.
 - h. 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 R-4 district application.*

- 1. An application for approval of an R-4 district requires rezoning and shall be processed in the same manner provided by this ordinance for rezoning applications.
- 2. The zoning administrator will turn over the application materials to the planning and zoning board for its recommendations.
- 3. The power to approve an amendment creating an R-4 district rests with the board of commissioners. After conducting the public hearing and

considering recommendations from the planning and zoning board, the board of commissioners will then make an official decision on the proposed R-4 district. The board of commissioners may approve, disapprove, or conditionally approve the development plan.

4. If the development plan is approved as submitted, the official map will be changed to indicate the R-4 district. If the plan is approved with modifications, the applicant shall have 10 days following the public meeting at which the plan is approved with modifications to withdraw the application. If the applicant does not provide the zoning administrator with written notice that the application is withdrawn within that period, the official zoning map will then be changed to reflect the rezoning of the property to an R-4 zoning classification. The site plan and supporting information of any approved plan will be identified and permanently filed with the zoning administrator. Any development of the subject property must comply with the approved development plan.

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 and zoning board; 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 and zoning board and shall be subject to the same procedures as a rezoning application.

F. *Initiation of rezoning back to original district.* Construction of the planned development must begin within one year of the approval of the R-4 district. If no construction has begun by then, or if the applicant fails to maintain the approved development schedule, approval of the development plan will lapse. At its discretion, the board of commissioners may extend the period for beginning construction of any phase of the project for one additional year. If approval of the development plan lapses under this provision, the planning and

zoning board may initiate zoning amendment proceedings to restore the previous zoning to the subject property.

4.05.04 Development standards for R-4 districts

In addition to the development standards contained in section 4.01.02 of this ordinance, the following standards are required within R-4 districts:

- 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 zoning administrator 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 3¹/₂ 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 Monroe 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.

4.06.00 LANDSCAPING, BUFFERS AND TREE PROTECTION

4.06.01 Purpose

The purpose of this section is to provide requirements for the landscaping of developments in industrial, commercial, office-institutional, multi-family residential, new residential subdivisions, and manufactured home zoning districts, in order to enrich the urbanized and natural environment of Monroe County. It is the intent and purpose of this landscape section to reduce the adverse visual, environmental, and aesthetic effects of development in order to:

- A. Minimize the rate of stormwater runoff;
- B. Maximize the capability of groundwater recharge in urban or suburban areas;
- C. Increase air filtration and the removal of particulate and gaseous pollutants through plant materials;
- D. Provide shade and noise attenuation;
- E. Filter and reduce the glare of headlights and reflected sunlight from parked automobiles onto the public street rights-of-way;
- F. Improve the appearance of parking areas and vehicular surface areas; and
- G. Minimize the visual blight created by large expanses of paved surface area.

4.06.02 Landscape plans

A landscape plan shall be submitted upon application for a development permit. The plan shall include sufficient information to determine whether the proposed landscape improvements are in conformity with this section, including the following:

- A. Identification of all trees, natural features and man-made structures that will be retained upon the site;
- B. A description of proposed landscaping improvements and plantings, including the species, size, quantity and location of trees, shrubs and other landscaping materials;
- C. Identification of all proposed structures, vehicle use areas, sidewalks, wheel stops or curbs, walls and fences; and

- D. A depiction of adjoining streets and parcels sufficient to identify the same and to demonstrate the relationship between the development and the same.

4.06.03 General landscape standards

A. Minimum specifications for plant materials:

1. All plant material shall be nursery grown, number 1 grade, meet current American Nursery and Landscape Association Standards, and installed according to accepted planting procedures.
2. Shrubs shall be a minimum 1 gallon container size.
3. All landscaped areas and buffers shall be sodded or covered with ground cover.
4. All plant species shall be native to this region or appropriate for the region (generally, consistent with the “7b” Plant Hardiness Zone as defined by the Cooperative Extension, University of Georgia College Agricultural and Environmental Sciences). Installation of invasive species and the use of non-urban tolerant species of trees such as Bradford Pear shall be prohibited.
5. Subject to other portions of this section, at least twenty-five (25) percent of the required trees installed in landscaped buffers, in landscaped parking areas, and to meet tree planting requirements shall be canopy/shade trees.
6. Existing trees, which are two (2) inches DBH (Diameter at Breast Height) or larger, may be counted toward meeting the requirements for landscaped buffers and tree retention.
7. Canopy trees shall not be installed under any overhead utility line, over any buried utilities, or within a utility easement.
8. When possible, the natural topography of the land shall be preserved and natural growth shall not be disturbed beyond that which is necessary to prevent a nuisance, to thin such natural growth where too dense for normal growth, or to remove diseased, misshapen, or dangerous and decayed timbers.

B. Requirements for landscaping

1. At least twelve (12) percent of the total gross land area of a development site shall be landscaped. The landscaped areas shall be located on the

site in such manner as to maximize preservation of existing trees. Landscaped area requirements are in addition to required buffer areas.

2. A perimeter landscape area must be provided within the front and side yard setbacks (as applicable) that abut public rights-of-way. The perimeter landscape area shall be a minimum of ten (10) feet in width and shall provide a minimum of three (3) trees for each one hundred (100) linear feet of lot street frontage or major portion thereof, with no less than fifty (50) percent of said trees being canopy/shade trees.
3. Grass or other ground cover shall be placed on all areas within the perimeter landscape areas. Grass shall be planted in all yard areas not occupied by buildings, driveways and vehicle parking areas. If grass areas are seeded, 100% cover must be provided within 3 months.
4. The perimeter of each principal building on a site shall have landscaped area and/or sidewalk not less than ten (10) feet in width. Asphalt paving material shall not be allowed to abut the base or foundation of an exterior wall of a principal building. Portions of buildings intended for vehicle access shall be exempt from this requirement. Buildings in the M-1, M-2 and M-3 zoning districts shall be exempt with the exception that office buildings in said districts shall comply with this section.
5. Trees planted for the purpose of this section must meet the following criteria:
 - a. All tree species shall be native to this region or appropriate for the region (generally, consistent with the “7b” Plant Hardiness Zone as defined by the Cooperative Extension, University of Georgia College Agricultural and Environmental Sciences);
 - b. Shall have a minimum DBH (Diameter at Breast Height) of two (2) inches at time of planting;
 - c. Shall have a minimum matured height of fifteen (15) feet;
 - d. Shall be of a heat and drought tolerant species; and
 - e. Shall be considered a mechanically strong tree species appropriate for an urban environment.
6. Installation shall be completed prior to issuance of a certificate of occupancy.
7. Trees, shrubs and ground cover for landscaped and buffer areas shall be consistent with guidelines prepared by the Cooperative Extension,

University of Georgia College Agricultural and Environmental Sciences,
as follows: *Xeriscape: A Guide to Developing a Water-Wise Landscape*
and *Landscape Plants for Georgia*.

4.06.04 Landscape requirements for parking lots

All lots, parcels, or tracts of land, with the exception only of single-family residential lots, for which a parking lot or vehicular use area is established after the adoption of this ordinance shall comply with the following:

A. Perimeter landscaping for parking lots

Parking lots shall have a landscaped perimeter having a minimum width of fifteen (15) feet along the entire length of any property line abutting a public or private right-of-way and a minimum width of five (5) feet along all other property lines. There shall be one (1) tree for every thirty (30) feet of lot frontage along any property line abutting a public or private right-of-way and one (1) tree for every seventy-five (75) feet on all other property lines. Where a buffer is required along any property line, the buffer requirements in section 4.08.05 shall take precedence.

B. Interior landscaping

1. Parking lots with twenty (20) or more parking spaces shall provide interior landscaping. Interior landscaping shall consist of parking lot islands located at the ends of each single or double parking row and one (1) parking lot island every twelve (12) parking spaces in a row. Said islands shall be a minimum of one hundred and sixty (160) square feet in area for single parking rows and three hundred and twenty (320) square feet in area for double parking rows. Single parking row islands shall contain one (1) tree, and double parking row islands shall contain two (2) trees. Said islands shall have additional landscaping consisting of appropriate ground cover or plant materials such as shrubs, mulch, straw, or sod.
2. A minimum of five (5) percent of the total parking lot area shall consist of internal landscaping.
3. Vehicle stops or curbing shall be required along all landscaped areas within a parking lot or vehicular use area.
4. The property owner/developer shall make provisions for sidewalks within required landscaped areas when required. In such cases, additional width of a landscaped area may be required.

4.06.05 Buffer and open space requirements

- A. The intent of these requirements shall be to enhance the visual and aesthetic appearance of the County. The purpose of these buffer and open space requirements is to:
1. Provide space definition and landscape continuity within the built environment;
 2. Provide appropriate screening and relief from traffic, noise, heat, glare, odor, and the spread of dust and debris;
 3. Reduce the impact of development on the drainage system and reduce flooding;
 4. Provide for a sense of privacy;
 5. Provide for reduction or elimination of incompatibility;
 6. Reduce the visual impact of unsightly aspects of adjacent development;
 7. Provide for the separation of spaces; and
 8. Provide for passive recreational areas and pedestrian or multi-use greenways and greenbelts.
- B. Location, measurement, and design of buffers
1. Buffers shall be located on private property on the outer perimeter of a lot, parcel, or tract of land extending to the lot, parcel, or tract boundary line and between the property line and any fence or wall, whether required or voluntary. Buffers shall not occupy any portion of an existing, dedicated, or reserved public or private street, or right-of-way. Structures, including accessory buildings, etc., shall not be allowed in the buffers with the exception of fences and free-standing signs as permitted by this UDO.
 2. Excluding buffers required for single-family residential subdivision developments, buffers shall consist of a minimum three (3) trees per 100 linear feet. Buffer yards shall be maintained as green open space, consisting of grass or ground cover, along with required plantings and access drives only. Where such buffers are required, natural existing vegetation and trees shall be preserved when possible and may be substituted for any additional plantings as required here in this section.
 3. Buffers required for single-family residential subdivision developments shall remain undisturbed where possible with the exception that utility

crossings and access drives may be allowed. Said buffers are intended to protect existing agricultural uses from encroachment by new residential development, preserve open space, protect the natural environment, create greenways, greenbelts and opportunities for multi-use trails, and promote connectivity between such developments throughout the County.

- 4. Buffers shall be designed to avoid or minimize plantings within drainage, utility, or other easements.
- 5. Buffers shall be designed taking into consideration the site's soils conditions, topography, and natural resources. Native vegetation shall be used for landscaping and buffering unless the applicant demonstrates that the use of non-native, drought-resistant plants would best serve the site.
- 6. Buffers on multi-family residential, office, institutional, commercial, or industrial properties shall be established and maintained by the owner of the proposed development site. Buffers on single-family residential properties shall be maintained by the property owner.
- 7. Required building setbacks may be located in the buffer; however, where the buffer is greater than the setback, these buffer restrictions shall apply.

C. Buffer area standards

Table 4.06.05(C). Buffer Area Standards.

Proposed Zoning District	Adjacent Zoning District	Minimum Buffer Area (in width)
M-1, M-2, and M-3	All non-manufacturing districts	50 feet in all yards
C-1, C-2, and O-1	All residential districts	25 feet in side and rear yards

- D. When a single-family residential subdivision development is proposed adjacent to an active agricultural farming or processing operation, the following shall apply: No dwelling constructed on the newly rezoned residential property shall be located less than five hundred (500) feet from the closest point of any existing major livestock enclosure or poultry house.
- E. Single-family residential subdivision development in the R-1 and R-2 districts shall provide a minimum of fifteen (15) percent of gross acreage as common open space, green space, greenways and/or greenbelt buffers, to be maintained

by the property owner(s). Buffers required in Table 4.06.05(C) shall be included when meeting the requirements of this section.

4.06.06 Maintenance requirements

- A. All landscaped areas shall be maintained to ensure that plant materials are healthy and thrive. Any diseased or dead plant materials shall be replaced as soon as reasonably possible based on the growing season, but not later than three (3) months following identification of the need for replacement.
- B. All landscaped areas shall be provided with a watering plan, which shall be included with the landscaping plan, sufficient to ensure that plants are established in a healthy growing condition.
- C. Where an irrigation system is proposed in a landscaped area, the system shall be shown on the landscaping plan. Where proposed, irrigation systems shall provide an automatic shut-off feature activated during rain events.
- D. Necessary trimming and maintenance shall be performed to maintain the health of the plant materials, to provide an aesthetically pleasing appearance, and to assure that the landscaped and buffer areas serve the intended purpose.
- E. A landscaping plan, as required by this UDO, shall remain enforceable on a site for the duration of site improvements regardless of a change of property ownership.
- F. Maintenance. The owner of each parcel subject to the requirements of this section shall be responsible for the perpetual maintenance and protection of buffers and landscape plantings required thereby. This ordinance requires that diseased, infested, dying, dead or damaged landscaping be replaced.

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 for home occupations are set forth in section 5.01.00. Standards pertaining to accessory structures are set forth in section 5.02.00. Standards for temporary structures and uses are set forth in section 5.03.00. Standards for signs, which may be either accessory structures, or the principal use on a parcel, are provided in section 5.04.00. 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 5.05.00.

5.01.00 **HOME OCCUPATIONS**

5.01.01 **Generally**

- A. A home occupation is permissible in a lawfully established dwelling unit in any zoning district where residential uses are permissible. All home occupations shall meet the standards set forth in sections 5.01.02 and 5.01.03.

- B. The following and similar uses shall be considered home occupations:
 - 1. Office for professionals, such as attorneys, drafters, realtors, insurance agents, engineers, architects, and other consultants;
 - 2. Instruction or teaching, such as, but not limited to, academic tutoring, performing arts, fine arts, or culinary arts provided that no more than two (2) students are instructed at any one (1) time;
 - 3. Administrative or clerical support services, such as transcription, court reporters, stenographers, notary public, or addressing services;
 - 4. Personal services, such as beauty or barber shop, nail technician, dress-making or tailoring, provided that the service is limited to one (1) station;
 - 5. Pet grooming;
 - 6. Day care for six (6) or fewer children;
 - 7. Licensed medical practitioner (excluding veterinarians);
 - 8. Manufacturers' representative; and
 - 9. Studios for artists, photographers, or artisans.

- C. An interpretation that a use not listed in section 5.01.01.B. is similar shall be based on the tasks and activities normally associated with the proposed use and the similarity of those tasks and activities with the tasks and activities normally associated with a listed use.

5.01.02 Standards for Home Occupations, Type I

Type I home occupations are those which meet the following standards, and the representing requirements permit minimal business practices in certain residential zoning districts while maintaining residential character. Type I home occupations shall be permitted uses, consistent with the provisions of 2.02.00, Table of Permitted Uses and Lot Standards, of this ordinance:

- A. The use of a dwelling unit for the home occupation shall be clearly incidental and subordinate to the residential use of the property.
- B. The home occupation shall not involve the employment of any person other than those residing at the location of the home occupation.
- C. At least one person residing on the premises shall be the primary operator of the home occupation.
- D. The home occupation shall not involve any exterior storage or display of products, equipment, or materials that can be visible from the street.
- E. The home occupation shall not make any use of accessory structures, including detached garages and sheds.
- F. The home occupation shall not utilize more than 25 percent of the total floor area of the primary structure.
- G. The home occupation shall not require any exterior, structural or aesthetic alterations to the dwelling unit that change the residential character of the dwelling unit.
- H. The home occupation shall not require any additional entrances to the dwelling unit.
- I. The home occupation shall not require increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical system beyond that which is standard for a residence.
- J. The home occupation shall not provide parking for customers or visits for business purposes that require the addition of any off-street parking spaces.

- K. The home occupation shall not require the use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service or other express couriers.
- L. No more than one vehicle associated with the home occupation may be parked at the site. Such vehicle is not to exceed one ton carrying capacity and two axles and must be used exclusively by the resident.
- M. The following are permitted home occupations provided they do not violate any of the provisions of the previous paragraph:
1. Dressmaking, sewing and tailoring;
 2. Studios for painting, sculpturing, writing and other fine arts;
 3. Telephone answering and marketing;
 4. Home crafts, such as model making, rug weaving, and lapidary work;
 5. Instruction or teaching, such as academic tutoring, performing arts, or fine arts limited to one student at any given time;
 6. Computer application and internet sales, not including sale of computers;
 7. Office space for professionals, such as attorneys, drafters, realtors, insurance agents, engineers, architects, and other consultants;
 8. Administrative or clerical support services, such as transcription, court reporters, stenographers, notary public, or addressing services;
 9. Repair of clocks, instruments or other small appliances which do not create a nuisance due to noise, vibration, glare, fumes, odors or result in electrical interference;
 10. Barbershops and beauty parlors; limited to one operator and station;
 11. General construction and maintenance contractors;
 12. Lawn care and maintenance providers;
 13. Janitorial and cleaning services;
 14. Consultants and representatives for the sales industry, having no product displays on site;
 15. Pet grooming;

16. Day care for six (6) or fewer children;
17. Licensed medical practitioner (excluding veterinarian).

5.01.03 Standards for Home Occupations, Type II

Type II home occupations are those which meet the following standards, and the representing requirements permit reasonable business practices in certain residential districts while maintaining the residential character. Type II home occupations shall be considered special uses, consistent with the provisions of section 5.02.00, Accessory Uses, of this ordinance.

- A. The home occupation shall not involve the employment of any more than one person who does not reside at the location of the home occupation.
- B. At least one member residing on the premises shall be the primary operator of the business.
- C. The home occupation shall not require any exterior storage or display of equipment, materials, or appliances being serviced by the home occupation.
- D. No more than 40 percent of the total floor area of any level of the primary structure shall be used for the home occupation.
- E. Business practices in accessory structures, such as detached garages and sheds, shall not be permitted.
- F. The home occupation shall not require any exterior structural or aesthetic alterations to the dwelling unit that change the residential character of the dwelling unit.
- G. The home occupation may have a sign, attached to the primary structure, not exceeding two square feet.
- H. The home occupation shall not require increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical system beyond what is standard for a residence.
- I. No more than two additional parking spaces shall be added to the lot(s) on which the residence is located.
- J. The home occupation shall not require the use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service or other express couriers.

- K. Due to incompatibility with the residential character and qualities of residential zoning districts, no license shall be issued for a home occupation in any of the following trades or businesses:
1. Automotive repair;
 2. Firearms and firearms' supplies dealers/sales/service (including gunsmithing);
 3. Group assembly or instruction involving more than four persons;
 4. Mobile oil change;
 5. Pest control services;
 6. Septic tank operation or repair;
 7. Taxicab/limousine services;
 8. Transporting autos for dealerships;
 9. Wrecker/towing service.

5.02.00 ACCESSORY USES AND STRUCTURES

5.02.01 Accessory uses permissible in agricultural and residential zoning classifications

- A. The following uses are permitted as accessories in the A-R, R-1, R-2, R-3, and R-4 zoning classifications:
1. Private garage or carport not to exceed the storage capacity of three automobiles.
 2. Structure for the storage of equipment and supplies used in maintaining the principal building and its grounds.
 3. Structure for a children's playhouse and the storage of children's play equipment.
 4. 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.

5. 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.
6. Noncommercial garden, including a greenhouse and other customary garden structures not over eight feet high.
7. Deck, patio, barbecue grill, or other such facility.
8. Fence, wall, exterior lighting fixture, or other general landscaping and site development facility.
9. Antenna: satellite, television, radio.
10. 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.
11. The parking of one pleasure boat.
12. Signs as permitted by the Monroe County Sign Regulations.
13. In the A-R district only, roadside stands for sale of agricultural products grown on the premises, but not to exceed 500 square feet in floor area. Road-side stands are prohibited as accessory uses in all other districts.
14. Except in R-4 districts, 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 health department or Monroe County, et al., Water and Sewer Authority.
 - d. Shall not exceed 30 percent of the total gross floor area of the primary dwelling, minus square footage associated with storage or utility spaces and similar un-insulated or un-inhabitable areas.

- e. Two additional parking spaces which may be legally allocated to the accessory unit must be in existence and provided for the accessory unit.

In R-4 zoning districts, accessory dwelling units shall not be permitted.

B. The following accessory uses are permitted as special uses in agricultural and residential districts:

1. Type II home occupation in A-R, R-1, R-2, R-3, and R-4.
2. Manufactured home for temporary hardship meeting the development standards contained in section 4.02.23 in A-R, R-1, R-2 and R-3, but not in R-4.

C. 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 in A-R, R-1, R-2 and R-3 zoning districts, and not closer than five feet to any property line in the R-4 district.
3. Accessory buildings and structures not attached to the principal building must be located at least eight feet from the principal building on the lot in the A-R zoning district, and at least 12 feet from the principal building in R-1, R-2, R-3, and R-4 districts.

D. All accessory uses not expressly permitted in the particular zoning district are prohibited.

E. 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.

5.02.02 Accessory uses in the office, commercial and manufacturing zoning classifications

A. Permitted accessory uses:

1. In the O-1, C-1, C-2, M-1, M-2 and M-3 zoning classifications, the permitted accessory uses will be those determined by the zoning administrator to be customarily appurtenant to the permitted principal use on the property.
2. In the O-1 district, satellite dish antennas and television antennas.
3. In the C-2 district, manufacturing in connection with the principal retail business or service on the lot meeting the following standards:
 - a. Occupies less than 40 percent of the floor area.
 - b. Employs no more than five persons. (The intent here is to ensure that activities which are primarily manufacturing in nature are directed away from commercial areas and into manufacturing areas. Establishments with five or fewer manufacturing employees in connection with a commercial activity are considered to be primarily commercial and compatible with a commercial district. Manufacturing activities with more than five employees would be considered large enough to belong in a manufacturing district with other such uses rather than in a commercial district.)

B. The following accessory uses are permitted as special uses:

In the O-1 district, Type II home occupations.

C. 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 12 feet from the principal building on the lot.

D. In the O-1 and C-1 zoning districts, accessory uses must be located in the rear or side yard, and not in any front yard.

5.02.03 Recreational vehicles

The parking and use of recreational vehicles is permitted in all zoning classifications, 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. The provisions of this subsection do not apply to recreational vehicles which are parked in the C-1, C-2, M-1, M-2 & M-3 zoning classifications and not being used for living quarters.
- B. Permanent residential use of recreational vehicles is prohibited except under these conditions:
 - 1. The property shall be zoned for agricultural uses.
 - 2. The property shall be at least three acres.
 - 3. The permanent resident shall be the owner of the real property where the vehicle is parked, or may be a family-member of the property owner if the property owner lives on the property.
 - 4. The permanent resident shall pay a annual fee in an amount to be set by the Board of Commissioners from time to time.
 - 5. The location of the recreational vehicle shall be clean, safe and fully functional.
 - 6. Recreational vehicles may not be rented except in a permitted recreational vehicle park.
 - 7. No more than two recreational vehicles may be parked on a lot for permanent residential use except in a permitted recreational vehicle park.

5.02.04 Temporary storage structures

- A. Except as otherwise provided in this ordinance, the temporary storage of structures and materials within temporary structures shall be permitted as an accessory use in the A-R, C-1, C-2, M-1, M-2 and M-3 districts, subject to administrative permit issued by the zoning administrator.
- B. Application for administrative permit

1. An application fee as specified by this ordinance or established by resolution of the Monroe County Board of Commissioners shall apply to each property for which an application is filed.
 2. Time for decision. When an application for an administrative permit is received, the zoning administrator shall have fifteen (15) business days to make his/her decision to approve or deny the application.
 3. Notification. When an administrative permit application is received, the zoning administrator shall notify all adjacent property owners by regular and certified mail giving the adjacent property owners seven (7) business days to respond, comment, etc. All responses, comments, etc. shall be submitted in writing to the zoning administrator.
 4. Posting of sign. When an administrative permit application is received, the zoning administrator must post a sign in a conspicuous place on the property. The sign must set forth the fact that a permit for temporary structures has been filed, date to respond and/or comment by, and it must inform the public that additional information may be obtained from the zoning administrator.
- C. The following conditions shall apply to any temporary storage of structures and materials within temporary structures under this provision. The administrative permit shall be issued if the zoning administrator finds that the following conditions exist:
1. The property is properly zoned under this provision for such temporary storage of structures and materials within temporary structures;
 2. The temporary structures will not be located within any front yard or setback, and where possible, will be restricted to a rear yard rather than a side yard;
 3. The location of the temporary structures will not substantially impair or injure any neighboring property;
 4. The placement of the temporary structures shall be limited in time, which shall be specified in the permit, and which in no case shall be greater than 6 months. An applicant may apply for additional periods so long as such application is filed before the expiration of the initial period. The granting of a permit shall not be construed to vest rights to the placement of temporary structures beyond the period for which they are expressly permitted; and

5. Such temporary structures shall not be connected to any utilities and shall not be used for habitation.
6. Whenever all of the foregoing conditions are met, and the proposed temporary structure is 120 square feet or less in area, no permit application shall be required.

5.02.05 Outside storage

- A. Outside storage shall be allowed in C-1, C-2, M-1, M-2 and M-3 zoning districts only. Outside storage in C-1, C-2, M-1, M-2 and M-3 districts must be located in a side or rear yard and screened from all rights-of-way and residential districts 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 on properties zoned C-1, C-2, M-1, M-2 and M-3 where there are businesses operating on the same property.

5.02.06 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 paved 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.

5.02.07 Alternative energy generation devices

- A. Alternative energy generation devices shall be allowed in A-R, R-1, R-2, R-3, O-1, C-1, C-2, M-1, M-2, and M-3 zoning districts only. Alternative energy devices include wind turbines, solar panels, awnings, shutters and other shade structures marketed for the purpose of reducing energy consumption, and retractable clotheslines.
- B. Alternative energy generation devices, excluding solar panels, must be located in the rear yard of the lot on which the principal building is located. Devices affixed to a dwelling or building shall not be visible from the public right-of-way.
- C. Wind turbines shall be set back at least a distance equal to the height of the tower on which the turbine is mounted plus fifteen (15) feet from any dwelling, zoning district line, or public property.
- D. Alternative energy generation devices and maintenance/operation structures (including guy wires) shall comply with the setbacks as required by the zoning district in which the device is to be located.
- E. The height applications applicable to buildings in zoning districts in which a tower is located shall not apply to wind turbines.

5.03.00 TEMPORARY STRUCTURES AND USES

5.03.01 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.

5.03.02 Mobile food services

- A. Applicability. Mobile food services are permissible on vacant lots or on lots containing a business in the commercial and industrial zoning districts in accordance with the standards of this section.
- B. The applicant shall apply for a temporary use permit, which shall be issued by the zoning administrator upon finding that the requirements of this section have been met. A temporary use permit may be issued for no more than 90 days.
- C. The applicant shall have written permission of the property owner to conduct food services.
- D. The applicant shall possess a valid occupational license and a valid food service permit from the board of health.
- E. Mobile food services shall not be located within:

1. The public right-of-way;
 2. Any required setback area or buffer area;
 3. Any required parking space;
 4. Any driveway or access way, or in such a manner as to block a driveway or access way; or
 5. Any designated fire lane or in such a manner as to block a fire lane.
- F. Mobile food services shall provide parking spaces:
1. Parking spaces shall be provided in addition to any required parking serving an established use on the lot.
 2. Parking spaces shall have a graveled or paved surface.

5.03.03 Roadside vendors (transient merchants)

- A. Applicability. Roadside vendors conducting retail sales are permissible on vacant lots or on lots containing a business in the commercial or industrial zoning districts in accordance with the standards of this section.
- B. The applicant shall apply for a temporary use permit, which shall be issued by the zoning administrator upon finding that the requirements of this section have been met. A temporary use permit may be issued for no more than 90 days.
- C. The applicant shall have written permission of the property owner to conduct retail sales.
- D. The applicant shall possess a valid occupational license.
- E. Roadside vendors shall not be located within:
1. The public right-of-way;
 2. Any required setback area or required buffer area;
 3. Any required parking space;
 4. Any driveway or access way, or in such a manner as to block a driveway or access way; or
 5. Any designated fire lane or in such a manner as to block a fire lane.

- F. Roadside vendors shall provide parking spaces:
 - 1. Parking spaces shall be provided in addition to any required parking serving an established use on the lot.
 - 2. Parking spaces shall have a graveled or paved surface.

5.03.04 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. Model homes may be erected or displayed in districts that include residential uses, provided that such models shall not be used for residential purposes, but only for display as a means to sell homes;
- B. A model home shall be located on a platted lot meeting all standards of this UDO;
- C. A model home shall be located to meet all site design standards of this UDO, except for the modifications specifically enumerated herein;
- D. A model home may include a sales office. Hours of sales operations shall not extend beyond 8:00 p.m.;
- E. 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;
- F. 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.

5.03.05 Portable outdoor storage containers

Portable outdoor storage containers shall be allowed in all zoning districts on a lot, parcel, or tract of land for a period of time not to exceed thirty (30) days.

5.04.00 SIGNS

5.04.01 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 may be placed in any zoning classification and 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, regardless of zoning classification; such temporary sign shall be no larger than 10 square feet.

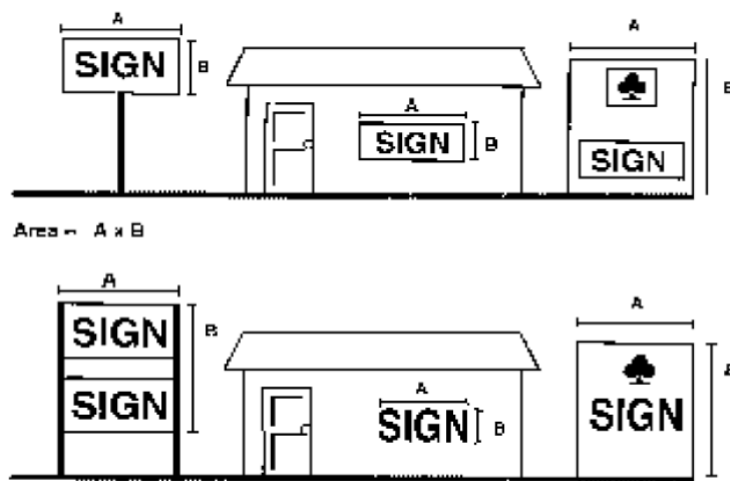
Wall sign: A sign that is fastened directly to or is placed or painted directly upon the exterior wall of a building, with the sign face parallel to the wall, and extending from the surface of the wall no more than 24 inches.

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

5.04.02 Permitted signs by zoning district

A. If not otherwise stated, any sign not specifically permitted in a zoning district 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 the outside of a structure or to passing members of the public is not restricted or regulated by this article.

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 permitted in A-R, R-1, R-2, R-3, and R-4 zoning districts:

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 in the O-1, C-1, and C-2 zoning districts:

1. *Ground signs:* Two double-faced signs per lot. Except in the C-2 zoning district, no sign face may exceed 100 square feet. In the C-2 zoning district, no sign face may exceed 300 square feet, and the total square footage of all ground sign faces on a lot shall not exceed 600 square feet. Maximum height for all ground signs shall be the same as the maximum height for the district.
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.

- D. Signs permitted in the M-1, M-2 and M-3 zoning districts, for individual uses:
1. *Ground signs:* Two double-faced signs per lot. No sign face may be larger than 50 square feet. The maximum height for each sign is the maximum height for structures in the district.
 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 100 square feet, and a maximum of 250 square feet per lot.
 4. *Entrance signs:* Two per lot, 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 lot. 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 10 feet.

5.04.03 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 of the underlying zoning district.
 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. Signs cannot be illuminated in the A-R, R-1, R-2, R-3, or R-4 districts.
2. Flashing, blinking or otherwise varying illumination is not permitted in any zoning district, except as provided below in subsection C. Multiple-message signs. No external or internal illumination that causes confusion with or distraction from any traffic signal or safety device shall be permitted in any zoning district.
3. 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.
4. All internally-illuminated signs shall utilize low wattage luminaries designed to reduce light glow.
5. All illuminated signs over ten (10) 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. Multiple-message signs are prohibited in the A-R, R-1, R-2, R-3, or R-4 zoning districts. Multiple-message signs are permitted in the O-1, C-1, C-2, M-1, M-2 and M-3 zoning districts, except that they shall not be permitted within 1,000 feet of any railroad crossings.
3. 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.
4. 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.

5. When any multiple-message sign is located within 150 feet of any residential district, 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.
6. 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.
7. 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 in the lot's zoning classification, and not on any wall sign or window sign.

D. *Interstate signs.*

1. Notwithstanding the other provisions of this ordinance, owners of properties directly adjacent to the Interstates 75 and 475 rights-of-way in the County shall be entitled to erect interstate signs in a manner consistent with the following provisions. These provisions may allow for larger signs facing Interstates 75 and 475 in recognition of the greater distance from the signs to the travelling public, the wider rights-of-way, and greater speed of travel along Interstates 75 and 475. Whenever a property owner erects a sign pursuant to this subsection, that sign shall be counted against the number of signs available under the underlying zoning district according to this article.
2. All signs located on lots facing or designed to be visible from the Interstates 75 and 475 rights-of-way shall conform with O.C.G.A. § 32-6-70 et seq. (The Georgia Outdoor Advertising Code) and shall meet all federal and state requirements necessary to obtain a permit under such code. In instances where the sign controls of this article are more strict, such regulations shall apply.
3. Interstate signs shall meet the following requirements:
 - a. *Uniform size.* The outside measurements of all sign faces shall be either 12 feet in height and 50 feet in length, or 14 feet in height and 48-feet in length, with or without trim.
 - b. *Illumination.* All illuminated signs shall use base-mounted fluorescent or mercury vapor lights and shall be activated by photo-electric cells. Additional lighting including, but not limited to, neon, animation and running lights is prohibited.

- c. *Height above interstate grade.* All sign faces shall be a minimum of 10 feet above adjacent interstate pavement measuring from the lower portion of the sign face. Signs shall not exceed 30 feet in height. Two signs in the same location (back-to-back) or V-formation shall be the same height above the interstate's surface.
- d. *Extrusions.* Extrusions beyond the face of the sign, excluding aprons, are prohibited.
- e. *Number of signs per location.* No more than two Interstate sign faces per lot, and each sign face shall face a different direction of Interstate travel. The sign faces may be mounted back-to-back on the same sign structure, in a V-formation, or on separate sign structures.
- f. *Spacing.* Interstate sign structures shall be no less than 500 feet apart, measuring from the two closest points.
- g. *Distance of structures from property or right-of-way line; residential structures.* Interstate sign structures shall be no less than 10 feet from any property or right-of-way line and no less than 75 feet from any residential structure.
- h. Interstate signs shall only be located on commercially and industrially-zoned properties and shall only be allowed within 600 feet of an interchange, measured from whether the centerline of each right-of-way crosses the centerline of the other right-of-way. No more than three outdoor advertising signs shall be permitted on any one quadrant of the interchange, regardless of property ownership.

5.04.04 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.

5.04.05 Prohibited signs

The following types of signs are prohibited in every zoning district:

- 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. Portable signs (which means signs which are attached to vehicles, trailers, movable structures, or attached to sign structures which are not permanently anchored into the ground, or any sign which may be transported or is designed to be transported). Such signs include, but are not limited to, printed banners or billboards attached to vehicles and trailers; portable signs do not include signs or messages that are painted on or permanently affixed to vehicles that are licensed, tagged and operable.
- D. 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.

5.04.06 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. Where a nonconforming sign has ceased to be used for more than six months or has changed to a permitted or conforming sign, further use of the sign must be in conformance with the standards and requirements of this ordinance.
- B. A nonconforming sign must not be extended or altered unless the extension or alteration is in conformance with the requirements of this ordinance.
- C. 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 zoning administrator 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.
- D. 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.

5.04.07 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 zoning administrator. 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 (32) 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 zoning administrator 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 zoning administrator 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 zoning administrator, 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 zoning administrator 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 (6) months after the date of issuance and completed within twelve (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 zoning administrator may order the owner to remove the same immediately. If the owner fails to remove the same within thirty (30) days, the zoning administrator 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 zoning administrator.
- G. *Revocation.* The zoning administrator is hereby authorized to revoke any permit upon failure of the holder thereof to comply with the provisions of this section within thirty (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.

5.04.08 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.

5.05.00 TELECOMMUNICATION TOWERS

5.05.01 Requirements

Towers may be permitted in zoning districts 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 and residential district boundaries.
 - 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 Monroe County including each asset's location, height and collocation usage or capabilities. The community development department 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 residentially-zoned property or structure used for residential purposes. This condition shall not apply in areas zoned heavy industry district.
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 residentially-zoned property 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. Lattice and guy-wire supported structures are permitted only within heavy industrial districts.
9. All towers must meet or exceed current standards and regulations of the Federal Communications Commission (FCC) and FAA.

10. 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.
11. Tower heights shall be measured from the existing ground base level to the highest point on the tower or other structure, even if said highest point is an antenna, and limited to the following:

<i>Zoning District</i>	<i>Single User</i>	<i>Two Users*</i>	<i>Three Users*</i>
AR	75'	125'	150'
R-1	50'	90'	120'
R-2	50'	90'	120'
R-3	50'	90'	120'
R-4	50'	90'	120'
C-1	50'	90'	120'
C-2	50'	90'	120'
O-1	50'	90'	120'
M-1	75'	125'	150'
M-2	75'	125'	150'
M-3	75'	125'	200'

*Refers to the number of separate entities collocating on the same structure.

C. *Administrative approval.*

1. The addition of transmitting and/or receiving whip antennas and panels may be approved administratively by the zoning administrator 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 zoning administrator 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 zoning administrator 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 district 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.
 4. The addition of antennas to an existing tower structure is exempted from all setback requirements which pertain to residentially-zoned or used properties.
- 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 by the building inspection division of the community development department, 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.

5.06.00 STREAMING WIRELESS FACILITIES AND ANTENNAS

5.06.01. Purposes

- A. O.C.G.A. § 32-4-92(a)(10) authorizes Monroe County, Georgia, to establish reasonable regulations for the installation, construction, maintenance, renewal, removal, and relocation of pipes, mains, conduits, cables, wires, poles, towers, traffic and other signals, and other equipment, facilities, or appliances in, on, along, over, or under the public roads of the County. Further, 47 U.S.C. § 253(c) provides that the County has authority to manage its public rights of way. Finally, the Georgia Streamlining Wireless Facilities and Antennas Act.,

O.C.G.A. Title 36, Chapter 66C (the “SWFAA”), addresses the placement of small wireless facilities in the public rights of way of the County.

- B. The County finds it is in the best interest of the County and its residents and businesses to establish requirements, specifications, and reasonable conditions regarding placement of small wireless facilities and poles in the public rights of way. These requirements, specifications, and conditions are adopted in order to protect the public health, safety, and welfare of the residents and businesses of the County and to reasonably manage and protect the public rights of way and its uses in the County.
- C. The objective of this Ordinance is to (i) implement the SWFAA and (ii) ensure use of the public rights of way is consistent with the design, appearance and other features of nearby land uses, protect the integrity of historic, cultural and scenic resources, and not harm residents’ quality of life.

5.06.02. Definitions

As used in this Ordinance, the following terms have the following meanings:

“Antenna” means: (i) communications equipment that transmits, receives, or transmits and receives electromagnetic radio frequency signals used in the provision of wireless services or other wireless communications; or (ii) Communications equipment similar to equipment described in part (i) used for the transmission, reception, or transmission and reception of surface waves. Such term shall not include television broadcast antennas, antennas designed for amateur radio use, or satellite dishes for residential or household purposes.

“Applicable Codes” means uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization to the extent such codes have been adopted by the State of Georgia or the County or are otherwise applicable in the County.

“Applicant” means any person that submits an application.

“Application” means a written request submitted by an applicant to the County for a permit to: (i) collocate a small wireless facility in a right of way; or (ii) install, modify, or replace a pole or decorative pole in a right of way on which a small wireless facility is or will be located.

“Authority” means Monroe County or any agency, district, subdivision, or instrumentality thereof. Such term shall not include an electric supplier.

“Authority Pole” means a pole owned, managed, or operated by or on behalf of the County. Such term shall not include poles, support structures, electric transmission structures, or equipment of any type owned by an electric supplier.

“Collocate” or “Collocation” means to install, mount, modify, or replace a small wireless facility on or adjacent to a pole, decorative pole, or support structure.

“Communications Facility” means the set of equipment and network components, including wires and cables and associated equipment and network components, used by a communications service provider to provide communications services.

“Communications Service Provider” means a provider of communications services.

“Communications Services” means cable service as defined in 47 U.S.C. § 522(6); telecommunications service as defined in 47 U.S.C. § 153(53); information service as defined in 47 U.S.C. § 153(24), as each such term existed on January 1, 2019; or wireless services.

“Consolidated Application” means an application for the collocation of multiple small wireless facilities on existing poles or support structures or for the installation, modification, or replacement of multiple poles and the collocation of associated small wireless facilities.

“Decorative Pole” means an authority pole that is specially designed and placed for aesthetic purposes.

“Electric Supplier” means any electric light and power company subject to regulation by the Georgia Public Service Commission, any electric membership corporation furnishing retail service in this state, and any municipality which furnishes such service within this state.

“Eligible Facilities Request” means an eligible facilities request as set forth in 47 C.F.R. § 1.40001(b)(3), as it existed on January 1, 2019.

“FCC” means the Federal Communications Commission of the United States.

“Fee” means a one-time, nonrecurring charge based on time and expense.

“Historic District” means: (i) any district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior of the United States in accordance with Section VI.D.1.a.i-v of the Nationwide Programmatic Agreement codified by 47 C.F.R. Part 1; (ii) any area designated as an historic district under Article 2 of Chapter 10 of Title 44, the Georgia Historic Preservation Act; or (iii) any area designated as a historic district or property by law prior to April 26, 2019.

“Law” means and includes any and all federal, state, or local laws, statutes, common laws, codes, rules, regulations, orders, or ordinances.

“Micro Wireless Facility” means a small wireless facility not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height that has an exterior antenna, if any, no longer than 11 inches.

“Permit” means a written authorization, in electronic or hard copy format, required to be issued by the County to initiate, continue, or complete the collocation of a small wireless facility or the installation, modification, or replacement of a pole or decorative pole upon which a small wireless facility is collocated.

“Person” means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including an authority.

“Pole” means a vertical pole such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal, or other material that is lawfully located or to be located within a right of way, including without limitation a replacement pole and an authority pole. Such term shall not include a support structure, decorative pole, or electric transmission structure.

“Rate” means a recurring charge.

“Reconditioning Work” means the activities associated with substantially painting, reconditioning, improving, or repairing authority poles.

“Replace,” “Replacement” or “Replacing” means to replace a pole or decorative pole with a new pole or a new decorative pole, similar in design, size, and scale to the existing pole or decorative pole consistent with 47 C.F.R. § 1.40001(b)(7) as it existed on January 1, 2019, in order to address limitations of, or change requirements applicable to, the existing pole to structurally support the collocation of a small wireless facility.

“Replacement Work” means the activities associated with replacing an authority pole.

“Right of Way” means, generally, property or any interest therein, whether or not in the form of a strip, which is acquired for or devoted to a public road; provided, however, that such term shall apply only to property or an interest therein that is under the ownership or control of the County and shall not include property or any interest therein acquired for or devoted to an interstate highway or the public rights, structures, sidewalks, facilities, and appurtenances of buildings for public equipment and personnel used for or engaged in administration, construction, or maintenance of public roads or research pertaining thereto or scenic easements and easements of light, air, view and access.

“Small Wireless Facility” means radio transceivers; surface wave couplers; antennas; coaxial, fiber optic, or other cabling; power supply; backup batteries; and comparable and associated equipment, regardless of technological configuration, at a fixed location or fixed locations that enable communication or surface wave communication between user equipment and a communications network and that meet both of the following qualifications: (i) each wireless provider's antenna could fit within an enclosure of no more than six cubic feet in volume; and (ii) all other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume, measured based upon the exterior dimensions of height by width by depth of any enclosure that may be used. The following types of associated ancillary equipment are not included in the calculation of the volume of all other wireless equipment associated with any such facility: electric meters; concealment elements; telecommunications demarcation boxes; grounding equipment; power transfer switches; cut-off switches; and vertical cable runs for connection of power and other services. Such term shall not include a pole, decorative pole, or support structure on, under, or within which the equipment is located or collocated or to which the equipment is attached and shall not include any wireline backhaul facilities or coaxial, fiber optic, or other cabling that is between small wireless facilities, poles, decorative poles, or support structures or that is not otherwise immediately adjacent to or directly associated with a particular antenna.

“State” means the State of Georgia.

“Support Structure” means a building, billboard, water tank, or any other structure to which a small wireless facility is or may be attached. Such term shall not include a decorative pole, electric transmission structure, or pole.

“Wireless Infrastructure Provider” means any person, including a person authorized to provide telecommunications services in this state, that builds, installs, or operates small wireless facilities, poles, decorative poles, or support structures on which small wireless facilities are or are intended to be used for collocation but that is not a wireless services provider.

“Wireless Provider” means a wireless infrastructure provider or a wireless services provider.

“Wireless Services” means any services provided to the public using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile.

“Wireless Services Provider” means a person that provides wireless services.

“Wireline Backhaul Facility” means an aboveground or underground wireline facility used to transport communications data from a telecommunications demarcation box associated with small wireless facility to a network.

In the event that any federal or state law containing definitions used in this Ordinance is amended, the definition in the referenced section, as amended, shall control.

5.06.03. Permits & Applications

- A. A permit is required to collocate a small wireless facility in the public right of way or to install, modify, or replace a pole or a decorative pole in the public right of way. A permit is not required to perform the activities described in O.C.G.A. § 36-66C-6(e) or (f).
 - 1. The collocation can be on or adjacent to a pole, decorative pole, or a support structure. Poles and decorative poles by definition are in the right of way, and support structures may be located outside of the right of way. However, permitting support structures is not part of this process.
- B. Any person seeking to collocate a small wireless facility in the public right of way or to install, modify, or replace a pole or a decorative pole in the public right of way shall submit an application to the Monroe County road superintendent for a permit. Applications are available from the road superintendent. The application requirements are listed below in Sec. 5.06.03D. of this Ordinance. Any material change in information contained in an application shall be submitted in writing to the road superintendent for Monroe County within 30 days after the events necessitating the change.
- C. Each application for a permit shall include the maximum application fees: \$100 per existing pole, \$250 per replacement pole, and \$1,000 per new pole as permitted under O.C.G.A. § 36-66C-5(a)(1), (a)(2) and (a)(3). Such maximum application fees shall automatically increase by 2.5 percent annually on January 1st of each year beginning January 1, 2021, as provided under O.C.G.A. § 36-66C-5(b).
 - 1. If the FCC issues an order regarding fees that is overturned or modified, the SWFAA fees are capped at what is determined to be “fair and reasonable.”
- D. Applications shall be made by the applicable wireless provider or its duly authorized representative and shall contain the following:
 - 1. The applicant’s name, address, telephone number, and email address, including emergency contact information for the applicant;

2. The names addresses, telephone numbers, and email addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the application;
3. A general description of the proposed work and the purposes and intent of the proposed facility. The scope and detail of such description shall be appropriate to the nature and character of the physical work to be performed, with special emphasis on those matters likely to be affected or impacted by the physical work proposed;
4. Detailed construction drawings regarding the proposed use of the right of way;
5. To the extent the proposed facility involves collocation on a pole, decorative pole, or support structure, a structural report performed by a duly-licensed engineer evidencing that the pole, decorative pole, or support structure will structurally support the collocation, or that the pole, decorative pole, or support structure may and will be modified to meet structural requirements, in accordance with applicable codes;
6. For any new aboveground facilities, visual depictions or representations if such are not included in the construction drawings;
7. Information indicating the horizontal and approximate vertical location, relative to the boundaries of the right of way, of the small wireless facility for which the application is being submitted;
8. If an application is reasonable and does not impose technical limitations or significant additional costs and the pole or replacement decorative pole applied for cannot be collocated on an existing pole or support structure in which the wireless provider has the right to collocate. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and shall provide a written summary of the basis for such determination;
9. If the small wireless facility will be collocated on a pole or support structure owned by a third party, other than an authority pole or a decorative pole, a certification that the wireless provider has permission from the owner to collocate on the pole or support structure; and
10. If the applicant is not a wireless services provider, a certification that a wireless services provider has requested in writing that the applicant collocate the small wireless facilities or install, modify, or replace the pole or decorative pole at the requested location.

- E. The road superintendent for Monroe County shall review applications for permits according to the timelines and using the procedures identified in O.C.G.A. § 36-66C-7 and Sec. 5.06.03 of this Ordinance for review of applications and O.C.G.A. § 36-66C-13 for consolidated applications.
- F. Within 20 days of receipt of a written application, the road superintendent in good faith shall:
 - 1. Notify the applicant in writing of the commencement and completion dates of any widening, repair, reconstruction, or relocation of the applicable right of way that is scheduled to commence, or is anticipated in good faith to commence, within 24 months after the application is filed;
 - 2. Notify the applicant of any aspect of the application that appears to be grounds for the authority's denial of the application pursuant to subsection O. of this Code section; and
 - 3. Determine whether the application is complete and inform the applicant of its determination in writing.
- G. If the road superintendent determines that an application is incomplete, she shall specifically identify to the applicant in writing all missing information within such 20-day period; otherwise the application is deemed complete;
 - 1. If the road superintendent identifies missing information to the applicant as provided in this paragraph, the applicant may submit such missing information to the authority within 20 days of receipt of notification in writing from the authority that the application is incomplete without paying any additional application fee, and any subsequent review of the application by the authority for completeness shall be limited to the previously identified missing information;
 - 2. If the road superintendent determines that an application remains incomplete, or if the authority determines that the applicant has made material changes to the application other than to address the missing information identified by the authority, the authority shall notify the applicant of such determination in writing within 10 days of receipt of the resubmission of the written application, and absent an agreement to the contrary between the authority and the applicant that is confirmed by email or other writing, such notice shall constitute a denial of the application; and

3. If the road superintendent does not provide such written notification to the applicant within this 10-day period, the application shall be deemed complete.
- H. The road superintendent shall make its final decision to approve or deny the application within 30 days of the written determination that the application is complete or when the application is deemed complete under this Ordinance section, whichever is earlier, for a collocation, and within 70 days of the written determination that the application is complete or when the application is deemed complete under this Ordinance section, whichever is earlier, for the installation, modification, or replacement of a pole or decorative pole.
 - I. A decision to deny an application pursuant to this Ordinance shall be in writing, shall identify all reasons for the denial, and shall identify the provisions of applicable codes or other standards applicable pursuant to this Ordinance. The decision to deny shall be sent contemporaneously and will not end the review period until its decision is delivered to the applicant.
 - J. If the road superintendent fails to act on an application within the applicable review period, the applicant may submit to them a written notice that the time period has lapsed. The notice gives the road superintendent 20 days, after receipt of notice, to render its written decision. If the County does not render a written decision, then the application shall be deemed approved.
 - K. If an area is designated solely for underground or buried facilities of communications and electric service providers, then the service providers must not install poles in a right of way above ground unless the wireless providers seek a waiver of the underground requirement for placement of a new pole to support small wireless facilities consistent with applicable law.
 - L. A County that adopts undergrounding requirements shall allow a wireless provider to maintain in place any previously collocated small wireless facilities subject to any applicable pole attachment agreement or to allow the wireless provider to replace the pole previously collocated at the same location or to propose an alternate location within 50 feet of the prior location, unless the alternate location imposes technical limits or significant additional cost.
 - M. A permit from the County does not grant the applicant a license or authorization to impinge upon the rights of others that may already have an interest in the right of way. The collocation, installation, modification, or replacement for which a permit is issued shall be completed within six months after issuance:

1. An extension shall be granted for up to an additional six months upon written request made to the authority before the end of the initial six-month period if a delay results from circumstances beyond the reasonable control of the applicant.
- N. Applications for permits shall be approved except as follows:
1. In order to receive a permit to install a pole or replace a decorative pole, the applicant must have determined after diligent investigation that it cannot meet the service objectives of the permit by collocating on an existing pole or support structure on which: (i) the applicant has the right to collocate subject to reasonable terms and conditions; and (ii) such collocation would not impose technical limitations or significant additional costs. The applicant shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and shall provide a written summary of the basis for such determination.
 2. The road superintendent may deny an application for a permit upon any of the conditions identified in O.C.G.A. § 36-66C-7(j) as described Sec. 5.06.030. of this Ordinance.
 3. For applications for new poles in the public right of way in areas zoned for residential use, the road superintendent may propose an alternate location in the public right of way within 100 feet of the location set forth in the application, and the wireless provider shall use the road superintendent's proposed alternate location unless the location imposes technical limits or significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and it shall provide a written summary of the basis for such determination.
- O. An application for permitted uses as described in O.C.G.A. § 36-66C-6 shall be approved unless the requested collocation of a small wireless facility or requested installation, modification, or replacement of a pole or decorative pole:
1. Interferes with the operation of traffic control equipment; with sight lines or clear zones for transportation or pedestrians;
 2. Fails to comply with the federal Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq., or similar laws of general applicability regarding pedestrian access or movement;

3. Requests that ground-mounted small wireless facility equipment be located more than 7.5 feet in radial circumference from the base of the pole, decorative pole, or support structure to which the small wireless facility antenna would be attached, provided that the authority shall not deny the application if a greater distance from the base of the pole, decorative pole, or support structure is necessary to avoid interfering with sight lines or clear zones for transportation or pedestrians or to otherwise protect public safety;
 4. Fails to comply with the maximum limitations for fees set forth in O.C.G.A. § 36-66C-6 (h) or the requirements of O.C.G.A. § 36-66C-6 (i) regarding exclusive arrangements;
 5. If an application to install a pole or decorative pole interferes with the widening, repair, reconstruction, or relocation of a public road or highway by an authority or the Department of Transportation that has been advertised for bid and scheduled for completion within six months after the application is filed;
 6. If an application to install a pole or decorative pole interferes with a public works construction project governed by Chapter 91 of Title 36 of the Georgia Code and scheduled for completion within six months after the application is filed;
 7. Fails to comply with O.C.G.A. § 36-66C-10 regarding historic districts, O.C.G.A. § 36-66C-11 regarding alternate locations in right of way, and O.C.G.A. § 36-66C-12 regarding decorative pole replacements;
 8. Fails to comply with laws of general applicability, that are not inconsistent with O.C.G.A. § 36-66C, that address pedestrian and vehicular traffic, safety requirements, or the occupancy or management of the right of way.
- P. A permit issued under this article shall authorize such person to occupy the public rights of way to: (i) collocate a small wireless facility on or adjacent to a pole or a support structure that does not exceed the height limitations set forth in O.C.G.A. § 36-66C-7(h)(3) or on or adjacent to a decorative pole in compliance with O.C.G.A. § 36-66C-12; and (ii) install, modify, or replace a pole or decorative pole for collocation of a small wireless facility that does not exceed the height limitations set forth in O.C.G.A. § 36-66C-7(h)(1) and (h)(2).
- Q. Upon the issuance of a permit under this Ordinance, and on each anniversary of such issuance, every person issued a permit shall submit to the County the maximum annual payments permitted under O.C.G.A. § 36-66C-5(a)(4) and

- (a)(5); provided, however, that if such person removes its small wireless facilities from the public rights of way pursuant to O.C.G.A. § 36-66C-5(e), then such person shall be responsible for the pro rata portion of the annual payment based on the number of days of occupation since the last annual payment. Upon making such pro rata payment and removal of the small wireless facilities, the person's annual payment obligations under this section shall cease as of the date of the actual removal. The maximum annual payments shall automatically increase on January 1st of each year beginning January 1, 2021, as provided under O.C.G.A. § 36-66C-5(b).
- R. Any person issued a permit shall pay the fees, regarding make-ready work or generally applicable nondiscriminatory fees as identified in O.C.G.A. § 36-66C-5(a)(6) and (a)(7), as applicable.
- S. The County may revoke a permit issued pursuant to this article if the wireless provider or its equipment placed in the public right of way under that permit subsequently is not in compliance with any provision of this Ordinance or the Georgia Streamlining Wireless Facilities and Antennas Act. Upon revocation, the County may proceed according to Sec. 5.06.03T.
- T. If a wireless provider occupies the public rights of way without obtaining a permit required by this Sec. 5.06.03 or without complying with the SWFAA, then the County may, at the sole discretion of the County, restore the right of way, to the extent practicable in the reasonable judgment of the County, to its condition prior to the unpermitted collocation or installation and to charge the responsible wireless provider the reasonable, documented cost of the County in doing so, plus a penalty not to exceed \$1,000.00, as authorized under O.C.G.A. § 36-66C-6(b). The County may suspend the ability of the wireless provider to receive any new permits from the County under this Sec. 5.06.03 until the wireless provider has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that the County may not suspend such ability of any applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.
- U. All accepted applications for permits shall be publically available subject to the limitations identified in O.C.G.A. § 36-66C-6(c), which state that upon a reasonable belief portions of the application may be designated as containing trade secrets.
- V. An applicant may file a consolidated application related to multiple small wireless facilities, poles or decorative poles so long as such consolidated application meets the requirements of O.C.G.A. § 36-66C-13.

- W. Activities authorized under a permit shall be completed within the timelines provided in O.C.G.A. § 36-66C-7(k)(2), which states that permits issued hereunder shall be completed within six months after issuance. An additional six-month extension shall be granted upon written request, if such written request is made prior to the end of the initial six-month period, if a delay results from circumstances beyond the reasonable control of the applicant.
- X. Issuance of a permit authorizes the applicant to: (i) undertake the collocation, installation, modification or replacement approved by the permit, and (ii) operate and maintain the small wireless facilities and any associated pole covered by the permit for a period of at least 10 years.
- Y. Permits shall be renewed following the expiration of the minimum 10-year term and upon the terms and conditions identified in O.C.G.A. § 36-66C-7(k)(2)(B) regarding grounds for denial of applications and the widening, repair, reconstruction, or relocation of roads, poles, support structures, or small wireless facilities.
- Z. If an application for a permit seeks to collocate small wireless facilities on authority poles in the public rights of way, then the County shall, within 60 days of receipt of the completed application: (i) provide a good faith estimate for any make-ready work necessary to enable the authority pole to support the proposed facility; or (ii) notify the wireless provider that the wireless provider will be required to perform the make-ready work. Any make-ready work performed by the County shall be completed within 90 days of receipt of written acceptance of the good faith estimate by the wireless provider. Such acceptance shall be signified by payment of check or other commercially reasonable and customary means pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(n).
- AA. All completed applications regarding small cell towers and antennas shall be ruled upon subject to the timing requirements set forth in Sec. 5.06.03F.-H. of this article. All completed applications regarding telecommunications towers and antennas shall be ruled upon subject to the timing requirements set forth in Sec. 5.06.03H.

5.06.04. Removal; Relocation; Reconditioning; Replacement; Abandonment

- A. A person may remove his small wireless facilities from the public rights of way if he gives the County a minimum of 30 days written notice prior to removal pursuant to the procedures of O.C.G.A. § 36-66C-5(e).
- B. If a wireless provider's activity in a right of way creates an imminent risk to public safety, the County may provide written notice to the wireless provider

- and demand that the wireless provider address such risk. If the wireless provider fails to reasonably address the risk within 24 hours of the written notice, the County may take or cause to be taken action to reasonably address such risk and charge the wireless provider the reasonable documented cost of such actions.
- C. The County may require a wireless provider to repair all damage to a right of way directly caused by their activities while occupying, installing, repairing, or maintaining small wireless facilities, poles, or support structures, and to restore the right of way to its condition before the damage occurred. If the wireless provider fails to return the right of way to its previous condition, to the extent practicable within 90 days of receipt of written notice from the County, the County may, at the sole discretion of the County, restore the right of way to such condition and charge the wireless provider its reasonable, documented cost of doing so, plus a penalty not to exceed \$500.00.
1. The County may suspend the ability of the wireless provider to receive any new permits from them until the wireless provider has paid the assessed restoration costs and penalty, if any;
 2. The County shall not suspend such ability of any applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.
- D. In the event of a removal under Sec. 5.06.04, the right of way shall be, to the extent practicable in the reasonable judgment of the County, restored to its condition prior to the removal. If a person fails to return the right of way, to the extent practicable in the reasonable judgment of the County, to its condition prior to the removal within 90 days of the removal, the County may, at the sole discretion of the County, restore the right of way to such condition and charge the person the County's reasonable, documented cost of removal and restoration, plus a penalty not to exceed \$500.00, as authorized under O.C.G.A. § 36-66C-5(e). The County may suspend the ability of the person to receive any new permits under Sec. 5.06.03 until the person has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that the County will not suspend such ability of any person that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.
- E. If, in the reasonable exercise of police powers, the County determines: (i) a pole or support structure unreasonably interferes with the widening, repair, reconstruction, or relocation of a public road or highway, or (ii) relocation of poles, support structures, or small wireless facilities is required as a result of a public project, the wireless provider shall relocate such poles, support

- structures, or small wireless facilities pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(l). If the wireless provider fails to relocate a pole, support structure or small wireless facility or fails to provide a written good faith estimate of the time needed to relocate the pole, support structure or small wireless facility within the time period prescribed in O.C.G.A. § 36-66C-7(l), the County may take the actions authorized by O.C.G.A. § 36-66C-7(o), in addition to any other powers under applicable law.
- F. The County shall use reasonable efforts to provide the wireless provider with written notice of reconditioning or replacement work at least 120 days before such work begins. Notice less than 30 days prior to the work beginning shall be prohibited. The County shall recondition and replace authority poles consistent with the provisions of O.C.G.A. § 36-66C-7(m) regarding further notice, time limits, costs and payment of costs, removal, and protection of the wireless provider's communications facilities. Wireless providers shall accommodate and cooperate with reconditioning and replacement consistent with the provisions of O.C.G.A. § 36-66C-7(m).
- G. A wireless provider must notify the County of its decision to abandon any small wireless facility, support structure or pole in writing no later than 30 days prior to abandonment pursuant to O.C.G.A. § 36-66C-7(p)(1). The wireless provider shall perform all acts and duties identified in O.C.G.A. § 36-66C-7(p) regarding abandonment. If the wireless provider fails to remove the abandoned small wireless facility, support structure, or pole within 90 days after such notice, the County may remove the abandoned small wireless facility, support structure, or pole and recover the actual and reasonable expenses of doing so from the wireless provider. The County may take all actions and exercise all powers authorized under O.C.G.A. § 36-66C-7(p) upon abandonment, in addition to any other powers under applicable law.
- H. An authority shall send any notice or decision required under this ordinance by registered or certified mail, statutory overnight delivery, hand delivery, or email transmission. The decision or notice shall be deemed delivered upon email transmission, deposit into overnight mail or regular mail receptacle with adequate postage paid, or actual receipt if delivered by hand.
- I. During the installation and maintenance process, right of way applicants shall employ due care with all safety and protection required by generally applicable law.
- J. A right of way applicant shall not place any small wireless facilities, support structures, poles, or decorative poles where they will unnecessarily interfere with any existing infrastructure, equipment, vehicular or pedestrian traffic patterns, or the rights and convenience of property owner's right of way.

5.06.05. Standards for New, Modified or Replacement Poles

- A. Small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities may be placed in the public right of way as a permitted use: (i) upon a receipt of a permit under Sec. 5.06.03; (ii) subject to applicable codes; and (iii) so long as such small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities comply with the appropriate provisions of O.C.G.A. § 36-66C-7(h) regarding height and location.
- B. New, modified, or replacement poles installed in the right of way in a historic district and in an area zoned primarily for residential use shall not exceed 50 feet above ground level.
- C. Each new, modified, or replacement pole installed in the right of way that is not in a historic district or in an area zoned primarily for residential use shall not exceed the greater of:
 - 1. 50 feet above ground level; or
 - 2. 10 feet greater in height above ground level than the tallest existing pole in the same public right of way in place as of January 1, 2019, and located within 500 feet of the new proposed pole.
- D. New small wireless facilities in the public right of way and collocated on an existing pole or support structure shall not exceed more than ten feet above the existing pole or support structure.
- E. New small wireless facilities in the public right of way collocated on a new or replacement pole under Sec. 5.06.04B. or Sec. 5.06.04C. may not extend above the top of such poles.
- F. A decorative pole should only be located where an existing pole can be removed and replaced, or at a new location where the County has identified that a streetlight is necessary.
- G. Unless it is determined that another design is less intrusive, or placement is required under applicable law, small wireless facilities shall be concealed as follows:
 - 1. Antennas located at the top of poles and support structures shall be incorporated into the pole or support structure, or placed within shrouds of a size such that the antenna appears to be part of the pole or support structure;

2. Antennas placed elsewhere on a pole or support structure shall be integrated into the pole or support structure, or be designed and placed to minimize visual impacts.
 3. Radio units or equipment cabinets holding radio units and mounted on a pole shall be placed as high as possible, located to avoid interfering with, or creating any hazard to, any other use of the public rights of way, and located on one side of the pole. Unless the radio units or equipment cabinets can be concealed by appropriate traffic signage, radio units or equipment cabinets mounted below the communications space on poles shall be designed so that the largest dimension is vertical, and the width is such that the radio units or equipment cabinets are minimally visible from the opposite side of the pole on which they are placed.
 4. Wiring and cabling shall be neat and concealed within or flush to the pole or support structure, ensuring concealment of these components to the greatest extent possible.
- H. Notwithstanding any provision of this Ordinance to the contrary, an applicant may collocate a small wireless facility within a historic district, and may place or replace a pole within a historic district, only upon satisfaction of the following: (i) issuance of a permit under Sec. 5.06.03 and (ii) compliance with applicable codes.
- I. Notwithstanding any provision of this Ordinance to the contrary, an applicant may collocate a small wireless facility on a decorative pole, or may replace a decorative pole with a new decorative pole, in the event the existing decorative pole will not structurally support the attachment, only upon satisfaction of the following: (i) issuance of a permit under Sec. 5.06.03 and (ii) compliance with applicable codes.

5.06.06. Appeals

Decisions under this Ordinance may be appealed to the Monroe County Board of Commissioners. Said appeals must be filed within 30 days of a decision from the road superintendent.

5.06.07. Miscellaneous

- A. A permittee under this Ordinance shall by application for the permit and performance pursuant to the permit in the right of way indemnify and hold the County and its officers and employees harmless against any claims, lawsuits, judgments, costs, liens, losses, expenses, or fees arising from the permittee's

negligence and causing harm resulting in claims, lawsuits, judgments, costs, liens, losses, expenses, or fees.

- B. If the County entered an agreement with a wireless provider addressing the subject matter of this chapter prior to October 1, 2019:
1. This chapter shall not apply until such agreement expires or is terminated pursuant to its terms with regard to poles, decorative poles, support structures, replacement poles, and small wireless facilities installed pursuant to such agreement prior to October 1, 2019; and
 2. Otherwise, the provisions of this chapter shall apply to poles, decorative poles, support structures, replacement poles, and small wireless facilities installed on or after October 1, 2019.

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. Monroe 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 Monroe 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 Monroe 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 Monroe 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 Monroe 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 Monroe County without first securing a permit to conduct such operations in Monroe 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. Said mailboxes shall be constructed or designed in such a way that the design allows for the unit to break away upon impact.

b. 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 Monroe 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 Monroe 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 Monroe 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 Monroe 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 Monroe County indemnifying the County for any damage caused by the timber operator from its timber operations in Monroe 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.
- 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 Monroe County shall be considered littering, and Monroe 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 Monroe 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 and Curb Cuts

- 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. Where the property configuration prohibits or makes impractical the installation of two (2) entrances, this provision may be waived by the board of commissioners after review and recommendation by the planning and zoning commission. In such cases, a widened entrance to provide additional public access for public safety purposes shall be designed and constructed subject to approval by the County engineer. The requirement for

access shall not be satisfied by a stub-out to a future, planned, or platted street that has not been constructed unless approved by the board of commissioners.

- C. It is the intent of this ordinance that no new curb cut, or access location, be made to any county road unless the county road is adequate to serve the traffic of the proposed use, and the location of the access is safely located. Prior to the installation of any new curb cut or access location, or any construction of an access point on the county's right-of-way, a permit shall be obtained from the County zoning administrator. In making the decisions under this section, the zoning administrator shall be guided by currently accepted traffic and design manuals, such as those issued from time to time by the Georgia Department of Transportation and the Institute of Transportation Engineers, as well as safety and crash data for the road area in question, and the level of service of the road. A curb cut or access to county road may be approved in conjunction with an application for a building permit or other development approval. In approving a curb cut, the zoning administrator may require acceleration and deceleration lanes and turning lanes when the design manuals and traffic and safety considerations indicate that such lanes are warranted.
- D. 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.

- E. Where access to a subdivision is on a state route, the Georgia DOT shall approve all access and egress locations and designs.
- F. For subdivisions located on a state route or local arterial road, all residential lots shall take direct access only from within the subdivision.

- G. Residential curb cuts. "Residential" as used herein means and applies to any residential use of the property regardless of how the property is zoned. Residential curb cut permits must be obtained prior to or simultaneous with any subdivision plat. Failure to obtain curb cut permits will be grounds for denying any new subdivision plat. The requirements of this article shall apply to any currently plated lots or to any new lots that will be created by a subdivision after the approval of this ordinance. In order to obtain a permit for a curb cut or access point for residential subdivision on a county road, the following requirements shall apply:
1. Any parcel of property with frontage of less than three hundred (300) feet on a county road shall be allowed only one combined entrance and exit on that road.
 2. Any parcel of property with frontage of three hundred (300) feet to one thousand (1,000) feet on the county road system shall be allowed no more than two combined entrances and exits on the county roads.
 3. Any parcel of property with frontage of more than one thousand (1,000) feet on the county road system may be permitted up to one entrance for each five hundred feet, or fraction thereof, of frontage on the county road system.
 4. At street intersections, no curb cut/driveway shall be located within fifty feet of the intersection, measured from the intersection of the curb lines or such lines extended, or within fifteen feet of the intersection of two property lines extended.
 5. The distance between any two curb cuts on the same side of the street and located on one property shall not be less than thirty (30) feet. Curb cut distance shall be measured between the points of tangency of the curb return radii and the established curb line of the abutting street.
 6. All driveways shall be constructed so as to be at least ten (10) feet from any property line.
 7. The maximum width of any driveway shall not exceed forty feet measured at the right-of-way line.
 8. The maximum width of any curb cut including curb returns shall not exceed fifty feet.

9. The sum of the two curb return radii for any one curb cut shall not exceed fifteen (15) feet.
- H. Non-residential curb cuts. For uses other than residential uses, new curb cuts and access points shall not be permitted onto county roads unless the County zoning administrator determines that the county road is constructed, designed and maintained to provide a level of service adequate to serve the proposed new use without adversely affecting the traveling public, and that the proposed location and design will protect the travelling public. In making this determination, the zoning administrator may require the applicant to provide the following information:
1. Site plans showing the design of the proposed use and the proposed access point.
 2. A traffic study prepared by a qualified and licensed engineer, with specific detail regarding the traffic to be generated by the proposed use and the condition of the roads along the likely routes of traffic to and from the site.
- I. Any culverts installed to access a county road shall have a minimum diameter of fifteen (15) inches and a minimum length of twenty-four (24) feet. Any exceptions in such measurements must be approved by the County zoning administrator or his or her designated agent in writing.
- J. Driveways or entrances into county roads must be designed and constructed to prevent excess water from entering public roads of the county.
- K. The cost of issuance of a residential permit under this section shall be twenty dollars. The cost of a non-residential permit shall be \$500.
- L. Failure to obtain a permit prior to the installation of such culvert or access to a county road shall constitute a violation of this section and be punishable as a misdemeanor.
- M. Interparcel access. New development in commercial, office, institutional and mixed use zoning districts 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 zoning administrator 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, except for those located in A-R zoning. If curb and gutter is 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 in the R-4 zoning district 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.
- 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, in accordance with the standards of section 10.02.12.

- 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 County;
 - 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 (1½) inch and one and one-quarter (1¼) 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 (¼) 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 (see section 10.02.12).

- 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 (see section 10.02.12).

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 Monroe 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 within all zoning districts, 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 Monroe 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. Requirements for such facilities are specified by zoning district in the County zoning ordinance. Such zoning ordinance refers the reader to this article for specifications of required facilities.

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 zoning administrator.
 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 device.
 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 districts 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 zoning administrator, 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
<u>RESIDENTIAL</u>		<u>INSTITUTIONAL</u>	
Dwelling, Single-Family	P-1	Child Care — Home and Facility	P-4
Accessory Apartment	P-2	Church, Synagogue, Place of Worship	P-16
Housing for the Elderly	P-3	Club	P-9
Family Care — Home	P-4	Community Care Home	P-6
Child Care — Home	P-4	Hospital	P-5
Dormitory	P-6	Nursing Home	P-5
Boarding/Rooming House	P-7	Public Assembly Hall or Area	P-16
Other Residential Uses	P-1	Elementary or Middle School	P-20
		High School	P-21
		Academic Institution	P-22
<u>LODGING</u>		Other Institutional Uses	P-17
Bed and Breakfast	P-7		
Hotel, Motel	P-7		
Inn, Tourist Home	P-7	<u>TRANSPORTATION/UTILITIES</u>	
		All Transportation/Utility Uses	P-15
<u>COMMERCIAL USES</u>			
Business Services in C-1	P-11	<u>INDUSTRIAL USES</u>	
Business Services outside C-1	P-12	All Industrial Uses	P-15
Doctor's Office	P-18		
Eating and Drinking Establishment	P-13	<u>RECREATIONAL USES</u>	
Funeral Home	P-14	Theater	P-9
Medical Clinic in C-1	P-18	All other Recreational Uses	P-8
Medical Clinic outside C-1	P-19		
Office in C-1	P-11	<u>OTHER</u>	
Office outside C-1	P-12	Agricultural or Forestry Use	P-15
Personal Services in C-1	P-11	Agricultural or Forestry Sales	P-11
Personal Services outside C-1	P-12	Animal Care/Veterinarian	P-11
Retail Sales in C-1	P-11	Animal Exhibit	P-17
Retail Sales outside C-1	P-12	Animal Rehabilitation Center	P-11
Retail Furniture/Carpet	P-23	Quarry	P-15
Theater	P-9	Stable, Public	P-8
Warehouse	P-15	Storage of Quarry, Sand or Gravel Pit Products	P-15
Other Commercial Use	P-17	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	1 per each 250 sq. ft. of net floor area
	(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	5 per practitioner at peak hour
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 are hereby adopted as written in revised form of January 1, 2014, and as may be hereafter amended.

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 Monroe 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 board of 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 inspector without the approval of Monroe 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 within the A-R zoning districts.

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.
 - g. 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.
4. The description, scaled drawings, and design calculations for the proposed post-development stormwater management system, which shall include:
- a. 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;
 - b. A narrative describing how the selected structural stormwater controls will be appropriate and effective;
 - c. 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;
 - d. A hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (2-100 year design storm events);
 - e. 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.
 - f. 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.

5. 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 3.08.05C.
7. The landscaping plan, as required, shall describe how vegetation will be placed within and adjacent to stormwater management facilities.
8. 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.
9. 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.
10. 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 6.04.01.
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 Monroe 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 6.04.01 — 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
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	—
Maximum allowable design velocity		15 fps	5 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.

CHAPTER 7

RESERVED.

CHAPTER 8

ADMINISTRATIVE OFFICIALS AND BOARDS

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8.00.00 GENERALLY

The administrative offices and boards described in Chapter 8 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.

8.01.00 ADMINISTRATIVE OFFICIALS

8.01.01 Zoning Administrator

The zoning administrator 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 and zoning 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. Determine in which zoning district a parcel of land lies.
- E. Offer practical suggestions on how to comply with the requirements of this ordinance.
- F. Maintain complete records concerning this ordinance and related matters and make such records available to the public upon request.
- G. Supervise all professional and clerical personnel employed in connection with the performance of the functions of the zoning administrator.
- H. Serve as administrative secretary to the planning and zoning commission.
- I. Issue certificates of zoning compliance for all permitted uses as well as for variances or other applicable procedures which are granted by the board of commissioners.
- J. Collect data and keep informed as to the best zoning practices in order that s/he may be qualified to make recommendations to the planning and zoning commission and the board of commissioners concerning amendments to this ordinance.
- K. Make recommendations in regards to requests for variances and other zoning decisions to the planning board and board of commissioners.

8.02.00 PLANNING AND ZONING BOARD

8.02.01 Establishment

The Monroe County Planning and Zoning Board is hereby established as a five-member county commission appointed and approved by the board of commissioners. Vacancies shall be filled for unexpired terms in the same manner as initial appointments. Members are removable for cause by the board of commissioners upon written charges and after public hearing. No members of the planning and zoning board shall hold any elected public office. Terms of appointment shall be set by the board of commissioners according to an approved schedule. Meeting organization and parliamentary procedure shall be carried out as established in the by-laws adopted by the planning and zoning board.

8.02.02 Powers and duties

The planning and zoning board 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. Maintain and update the Monroe County Comprehensive Plan so that it may provide a current data base with which decisions on proposed amendments to this ordinance may be made that utilize sound planning principles.
- E. Carry out an ongoing comprehensive planning program which, like the comprehensive plan, will provide current data on which decisions regarding this ordinance may be based that utilize sound planning principles.
- F. Maintain and update the Monroe County Land Use Plan so that it may provide a current data base with which decisions on proposed amendments to this ordinance may be made that utilize sound planning principles.
- G. Advise the board of commissioners on matters of zoning and annexation, as appropriate.

8.02.03 Meetings, rules and procedures, and records

- A. The planning board shall make its own by-laws and rules of procedure.

- B. The planning board shall set a regular monthly meeting time. All meetings of the planning board at which official action is taken shall be open to the public, and all records of the planning board shall be public records.

8.03.00 BOARD OF COMMISSIONERS

8.03.01 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 planning and zoning commission for review and recommendations.
- B. Propose amendments to this ordinance.
- C. Issue zoning decisions, and exercise the zoning power, consistently with the standards for the exercise of the zoning power, the Zoning Procedures Law, and the policies and procedures for conduct of public hearings.
- D. Authorize variances according to procedures specified in section 9.02.01 and 10.03.00.
- E. Accept applications for appeal of administrative decisions according to procedures specified in section 10.03.00.
- F. Accept applications for appeal of an action of the historic preservation commission (where one exists) and render official decisions on them.
- G. Perform all duties and exercise all powers conferred on the board by law.

CHAPTER 9

NONCONFORMITIES AND VARIANCES

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9.01.00 NONCONFORMING LOTS, STRUCTURES, AND USES

9.01.01 Generally

Invariably, at the time a land use and development control ordinance is adopted or amended, certain uses which lawfully existed prior to the adoption or amendment will not conform to the regulations and standards for the districts in which they are located. 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 for the district in which it is located.
- 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 Monroe County building codes and development regulations. When an applicant seeks a building permit for the extension or alteration of a nonconforming use, the zoning administrator will inspect the unit and determine what (if anything) is needed to bring the unit into conformance with applicable building codes and development regulations. Upon determining that the unit meets applicable building codes and development regulations, s/he will issue the building permit for the nonconforming use.
- 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.

9.01.02 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 of Monroe County at the time of

adoption of this UDO and was in compliance with all County zoning regulations at the time of recording but which fails to comply with the dimensional requirements or lot area requirements for the district in which it is located may, if vacant, be used for any of the uses permitted within the district by this UDO, provided that:

1. The minimum requirements of the district 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 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. In all cases, construction on any substandard lot of record after the adoption of this UDO shall be required to meet all requirements of the district in which it is located.
- 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.
- D. Permitted modification of setback requirements

When a building is proposed on a lot and when on either or both lots which adjoin such lot at the street right-of-way line there exists a principal building which does not conform to the setback requirements of this UDO, the required setback for such building shall be as follows:

1. Where only one (1) said adjoining lot contains a principal building with a nonconforming setback, the setback shall be the computed average of the normal setback requirement and the nonconforming setback, or
2. Where both adjoining lots contain a principal building each with a nonconforming setback, the minimum setback shall be the computed average of the two (2) nonconforming setbacks.

9.02.00 VARIANCES

9.02.01 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 the district in which the property is located. A variance may be granted only in an individual case where an extreme 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. A variance may be granted only for permitted uses in the zoning district in which the property in question is located. (For example, a two-family dwelling would not be allowed to be placed in an R-1 district under a variance.)
- D. The developer or owner wishing to request a variance 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. The planning and zoning commission or board of commissioners may also propose a variance. However, the power to approve a variance rests with the board of commissioners.
- E. Application for a variance may be made with the zoning administrator. The zoning administrator will take the required information and transmit it to the board of commissioners for its consideration.
- F. When an application for a variance is received, the board of commissioners 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 Monroe County at least 30 days before the hearing. Such notice will state the application number, owner's name, property location, its area, time, place and subject of the hearing. At least 30 days prior to the hearing, the same information shall be posted on a sign placed conspicuously upon the subject property. At least 30 days before the public hearing, notice of the time, place, and subject of the hearing will be sent to the property owner and appellant or petitioner in writing by U. S. mail to her/his last known address. Copies of all such letters will be maintained in the applicant's file for permanent record.
- G. The board of commissioners will make a decision concerning the variance and record the decision in the minutes for that meeting.

- H. The variance issued by the board of commissioners must specify which requirements are to be varied from. It must specify alternative requirements to be met, replacing the requirements varied from.
- I. The board of commissioners may establish performance bonds to ensure compliance with any requirements it has set for granting a variance. Where a variance is granted for a construction activity requiring a building permit, the building permit must be obtained and construction must begin within six months of the issuance of the variance. Otherwise, the variance expires after six months.
- J. The decision of the board of commissioners on the application for a variance may be appealed to the Monroe County Superior Court pursuant to law.

9.02.02 Administrative variances

- A. *Authority.* The zoning administrator 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 zoning administrator, 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. For example, if the minimum landscape strip width is ten feet (10'), the zoning administrator may authorize a reduction to no less than eight feet (8').

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 in residential zoning districts. Property owners whose property is zoned A-R, R-1, R-2, R-3, or R-4 and consists of at least five (5) acres may make application to the zoning administrator to locate an accessory use on the property in a location other than the rear setback. Only the zoning administrator can approve or deny the request. Only the property owner is permitted to submit an application and/or appeal the decision of the zoning administrator.
- 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 zoning administrator.
- D. *Fees.* Application fee as specified by this ordinance or established by resolution of the Monroe County Board of Commissioners.
- E. *Time for decision.* When an application for an administrative variance is received, the zoning administrator shall have fifteen (15) business days to make his/her decision to approve or deny the application.
- F. *Notification.* When an administrative variance application is received, the zoning administrator shall notify all adjacent property owners by regular and certified mail giving the adjacent property owners seven (7) business days to respond, comment, etc. All responses, comments, etc. shall be submitted in writing to the zoning administrator.
- G. *Posting of sign.* When an administrative variance application is received, the zoning administrator 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 zoning administrator.
- H. *Criteria for granting administrative variances.* The zoning administrator 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 that are not applicable to other lands or structures in the same district;

2. A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;
3. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
4. 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;
5. The special circumstances are not the result of the actions of the applicant;
6. The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and/or
7. The variance shall not permit a use of land, buildings or structures which is not permitted by right in the zoning district or overlay district involved.

CHAPTER 10

ADMINISTRATIVE PROCEDURES

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10.00.00 GENERALLY

10.00.01 Purpose

This chapter sets forth the procedures for receiving, reviewing, and rendering decisions on applications for subdivisions, multi-family and nonresidential development, mixed use development, planned developments, rezoning, 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, regarding particular districts, and in regards to specific uses.

10.00.02 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 for the district in which it is located.
- 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 Chapter 9.

10.00.03 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 (6) 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 twelve (12) months after the date that work ceased.
- C. The time period for which a permit is valid may be extended for one (1) or more periods of not more than ninety (90) days each where an application for such extension is filed and such extension has been granted in writing by the zoning administrator.

10.00.04 Fees required

- A. All applications shall be accompanied by payment of application fees, as set forth in the Monroe 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.

10.00.05 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 Middle Georgia Regional Commission for review and recommendation prior to issuance of any local building or development permit, utility tap, or rezoning, whichever occurs first. As such, these requirements establish an official delay in the local permitting and/or review process to allow for compliance with these requirements.

10.00.06 Procedures for conducting public hearings on zoning decisions

These policies and procedures govern the calling and conducting of public hearings on applications for zoning decisions. The following policies and procedures will be observed in conducting the required public hearing:

- A. Printed copies of these procedures shall be available for public review at the hearing.
- B. 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.
- C. The proponent(s) of the zoning decision shall have a minimum of ten (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 board of commissioners or his/her designee, depending upon the number of persons present and desiring to speak. Personal remarks will not be tolerated.
- D. The opponent(s) of the zoning decision shall have a minimum of ten (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 board of commissioners or his/her designee, 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 of commissioners. Personal remarks will not be tolerated.

- E. Any person desiring a transcript of the hearing must arrange for a court reporter at their own expense.
- F. Cross examination of persons making oral presentations will not be permitted.
- G. All questions will be addressed to the chairman or his/her designee then presiding.
- H. Standing to challenge a zoning decision is not conferred by being permitted to speak orally at a hearing, nor by being permitted to file a statement or pleadings.

10.01.00 APPLICATION AND DECISION-MAKING REQUIREMENTS

10.01.01 Pre-application conference

- A. A pre-application conference is a meeting between an applicant and the zoning administrator 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 submit a written request for a pre-application conference.
- C. A pre-application conference should be held not more than two (2) weeks following the date of submission of the written request for such conference.
- D. The pre-application conference may include staff of the building, planning and development office.
- E. 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.
- F. 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.

10.01.02 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.

10.01.03 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 10.01.03. Types of applications and entity responsible for final decision.

Type of Application	Entity Responsible for Final Decision		
	BPD ¹	Planning and Zoning Board	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
Rezoning, with or without a conceptual development plan; Special use permits			X
Amendments to zoning conditions			X
Amendment to the UDO			X

¹Building, Planning and Development office, including zoning administrator and building official

10.02.00 SUBMITTAL AND PROCEDURAL REQUIREMENTS

10.02.01 Building permits

- A. The developer or other person wishing to do any of the following must first apply to the County building department 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 department. S/he should complete the application form and submit it to the building department administrator together with any supporting documentation which the building official may specify.
- E. Before a building permit is issued by the building official, the Monroe 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 Monroe County Health Department will either approve or disapprove the water and sewer facilities within 30 days of receipt of the application from the building department and may provide a written decision, including reasons for the decision.
- F. An existing use which is altered or extended must meet applicable Monroe County building codes and development regulations. When an applicant seeks a building permit for the extension or alteration of an existing use, the building inspector will inspect the use and determine what (if anything) is needed to bring the use into conformance with applicable building codes and development regulations before a building permit may be issued.
- G. 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.
- H. 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.

- I. Construction on an approved project must start within six months from the date of issue of the building permit, or the permit will become invalid, and a new one must be applied for if construction of the project is desired at a future date. If construction has begun on an approved project and then ceases before the project is completed, construction must be restarted within 12 months from the time that it was stopped, or the permit will become invalid, and a new one must be applied for if construction of the project is desired to resume at a future date. Records of building permit applications and supporting materials will be maintained by the County building department.
- J. All newly constructed buildings, as well as additions, extensions, or enlargements of structures, must comply with all building codes in effect in Monroe County. The building inspector will explain the procedures and timing of inspections to determine if the work meets applicable codes.

10.02.02 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.

10.02.03 Amendments to official map / rezoning

- A. If a developer or landowner finds that a proposed new use of her/his land does not meet the requirements of this ordinance, s/he may request that this ordinance be amended to permit her/his proposed use. The developer or owner wishing to request an amendment of the official map 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. The planning and zoning board or the board of commissioners may also propose an amendment. However, the power to approve and enact an amendment rests with the board of commissioners.
- B. Application for an amendment may be made with the zoning administrator.
- C. When an amendment is initiated which involves changing the zoning district of a parcel of land, the zoning administrator must post a sign at least two feet by three feet in size in a conspicuous place on the property at least 15 days, but not more than 45 days, prior to the date of the scheduled public hearing conducted by the board of commissioners. The sign must set forth the fact that it is a zoning notice. It must show the present zoning classification; the proposed zoning classification; the purpose, date, time, and place of the scheduled public hearing; and it must inform the public that additional information may be obtained from the zoning administrator.
- D. All applications for amendment must first be reviewed by the planning and zoning board. The planning and zoning board will study the proposed amendment and determine if it meets the requirements of this ordinance, as well as other applicable ordinances of Monroe County. At this time, the zoning administrator may review the proposed amendment and make written recommendations to the planning and zoning board.
- E. The planning and zoning board may conduct a public hearing on the amendment. The board of commissioners shall conduct a public hearing. Notice of the public hearing before the board of commissioners must be published in a newspaper of general circulation in Monroe County at least 15 days, but not more than 45 days, before the hearing. The time, place and purpose of the hearing; the location of the property; the present zoning classification; and the proposed zoning classification must be indicated in the newspaper notice.
- F. After conducting a public hearing and considering recommendations from the planning and zoning board, the board of commissioners will then make an official decision on the proposed amendment. The decision may or may not concur with the recommendations of the planning and zoning board or the zoning administrator.

G. Conditional and intermediate zoning.

1. When a parcel of property is placed in a certain zoning district, all permitted uses for that zoning district are allowed on the property as long as the published requirements of this ordinance and other development regulations of Monroe County are met. However, in certain situations, only one of the permitted uses for a district may be appropriate for a parcel of property while many of the other uses within the range of those permitted would not be appropriate; or certain design, location, aesthetic, or other standards may be needed to mask otherwise undesirable effects of a permitted use. In such cases, conditional zoning may be granted by the board of commissioners with the consent of the applicant.
2. The following situations are permitted under conditional zoning:
 - a. The use of land may be specifically limited to any one or more of the permitted uses for the zoning district in which the land is placed.
 - b. Special requirements of design, location, aesthetics, or other considerations may be imposed for the uses permitted on the land.
 - c. Any combination of the above two categories of conditions may be imposed.
3. Conditional zoning is attached to a specific lot or group of lots, not to the owner(s). If ownership of the lot(s) changes, continued compliance with the special conditions must be maintained by the new owner(s).
4. Conditional zoning may be proposed by the board of commissioners, the planning and zoning board, the petitioner for a zoning amendment, or any person who may be affected by the subject property.
5. A tract of land to which special conditions have been attached continues to be subject to all other requirements of this ordinance and other applicable regulations of Monroe County which are not in conflict with those special conditions.
6. Whenever a tract of land has had special conditions imposed upon it and a building permit is applied for, plans and specifications which are drawn in compliance with the special conditions must be submitted with the application for a permit.

7. The zoning of any parcel of land which is subject to special conditions will be indicated on the official map by its zoning district designation followed by the letter "C" (for example R-1C).
 8. In cases where an applicant seeks rezoning to a classification which the board of commissioners finds to be not appropriate, but where the existing zoning classification does not allow a reasonable use of the property or is too restrictive to the particular property, the board of commissioners may rezone the property to an intermediate classification which allows a reasonable and appropriate use of the property. An intermediate zoning may be assigned without further public notice or hearing beyond that already required by law and this ordinance. A properly placed and advertised public notice of the rezoning application and hearing thereon shall be notice that the board of commissioners may rezone to an intermediate zoning classification between the current zoning classification and the zoning classification sought by the applicant. Conditions may be placed upon the rezoning as well.
- H. If the board of commissioners denies a proposed amendment, a minimum period of 12 months must pass before the amendment proposal for the same property is again submitted for consideration.

10.02.04 Special use permits

- A. Some zoning districts permit certain uses 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 zoning administrator. The zoning administrator will take the required information and transmit it to the planning and zoning board and the board of commissioners for their consideration.
- D. When an application for a special use is received, the planning and zoning board 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 rezoning applications.

- E. The planning and zoning board will make its recommendation concerning the special use and record the decision in the minutes of the meeting. The planning and zoning board 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 for rezoning property. Notice of the public hearing shall be provided to the owner of the property that is the subject of the application by mail at least 30 days prior to the public hearing, and the sign and published notice shall be posted at least 30 days prior to the public hearing. The owner of the property that is the subject of the application shall be mailed notice of the public hearing at least 30 days prior to the date of the hearing. 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 Monroe County Superior Court by pleadings filed in the court within 30 days of the date of the decision of the board of commissioners. Such appeal will be a record review, and the record shall be certified by the zoning administrator and transmitted to the superior court within 30 days of the service of the appeal pleadings on the County.
- G. In addition to the standards for the exercise of the zoning power and specific criteria in this UDO, the planning and zoning board 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; it must not adversely affect 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, and it must be proposed to be placed on a lot of sufficient size to satisfy the space requirements of the use;
 5. Whether the public infrastructure of Monroe County is sufficient to support the proposed use;
 6. How the proposed use would affect the economy of Monroe County;

7. How the proposed use would affect the environment of Monroe 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 and safety of workers and residents.
- 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 that provided for the consideration of a rezoning application.

10.02.05 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 Monroe County Board of Commissioners.

10.02.06 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 board of commissioners;

3. Construction plan approval by the zoning administrator;
 4. Final plat acceptance and approval by the board of commissioners; and
 5. Recording and dedication.
- B. Minor subdivisions are lot divisions that either create three or fewer lots and do not require the installation of streets, utilities, or other public improvements and infrastructure; or five or fewer lots, all of which are greater than three acres in size, and does 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 zoning administrator before being recorded in the public records of the clerk of the Monroe County Superior Court. The zoning administrator 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 zoning administrator 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 zoning administrator 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 of access 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. Upon the zoning administrator's determination that the preliminary plat submission is complete and in compliance with the requirements of this unified development ordinance, it shall be presented to the board of commissioners for approval. Approval of the preliminary plat by the board of commissioners 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 administrative officer 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. 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 administrative officer. The construction plan stage requires the approval of only the administrative officer; however, it is the administrative officer's responsibility to ensure that the plans are reviewed and approved for compliance with technical requirements.

- F. *Final plat stage.* After completion of the physical development, or arrangements for physical development acceptable to the board of commissioners, of all or part of the area shown on the preliminary plat as approved, and before selling any lots, a final plat together with the required certificates must be submitted to the zoning administrator and the 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 Monroe 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 Monroe County, Georgia. After recording, the appropriate deeds and documents must be presented to the appropriate local government agency for dedication and acceptance.

10.02.07 Procedures for subdivision preliminary plat

- A. Submission and approval of preliminary plat.
1. *Preliminary plat submission.* After completing the preliminary review stage, and at the regular time specified by the office of planning and zoning before the regularly scheduled monthly meeting of the board of commissioners, 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 administrative officer 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 administrative officer may be required;

- c. If the subdivision is not to be served by public water and sewage systems, a certificate from the Monroe 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 board of commissioners may ask for any additional information reasonably required 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 board of commissioners.
 4. *Preliminary plat review.* The zoning administrator will review the preliminary plat for the board of commissioners for conformance to this ordinance and other relevant regulations. The zoning administrator will indicate on the preliminary plat (or by a written memorandum attached to the preliminary plat) for the board of commissioners any comments or suggested changes that are necessary to meet the intent of this ordinance or to serve the best interests of Monroe County.
 5. *Action of the board of commissioners.* No more than 45 days after the official date of submission of the preliminary plat, the board of commissioners 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.
 6. *Approval of preliminary plat.* Approval of a preliminary plat is effective and binding for a period of three years. Before the three-year period expires, the subdivider may submit to the board of commissioners a request in writing for an extension of time. If the board of commissioners 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.;
 - ii. Zoning district classification(s) of land to be subdivided and adjoining properties; and
 - iii. 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 Monroe 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 Monroe County Health Department and/or the Monroe County Water and Sewer Authority shown by type of system proposed, 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 approval of the preliminary plat by the board of commissioners will be inscribed on the plat.

10.02.08 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, the subdivider may submit construction plans to the zoning administrator.
 2. *Format.* Five copies of the construction plans must be submitted to the administrative officer. The scale on the construction plans must be at least 100 feet to the inch.

3. *Approval of construction plans.* Approval of construction plans by the building department 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 are required by local 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 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 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 administrative officer and inscribed directly on the construction plans or provided as an attachment in a format approved by the administrative officer:
 - i. Certificates or statements of approval of the sewage disposal system in the proposed subdivision obtained from Monroe County, the Monroe County Health Department, and the Environmental Protection Division of the Georgia Department of Natural Resources, as applicable.
 - ii. Certificates or statements of approval of the water system in the proposed subdivision obtained from Monroe County, the Monroe County Health Department, and the Environmental Protection Division of the Georgia Department of Natural Resources, as applicable.
 - iii. Certificate, written permission or approved plans from the Georgia Department of Transportation, if property connects to a state road.

10.02.09 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 administrative officer:
 - 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. Five copies of the as-built plans must be submitted to the administrative officer. 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 zoning administrator as qualified to issue the certification.
 - b. Where the particular infrastructure is for the provision of a service provided by an authority other than Monroe County, the as-built plans shall show the infrastructure's approval by such authority.
 4. The zoning administrator 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.

10.02.10 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 approved by the board of commissioners, construction plans have been approved by the zoning administrator, and required improvements have been completed (or arrangements for required improvements acceptable to the board of commissioners have

been made), the subdivider may, within three years from the date of the preliminary plat approval, apply for final plat approval. The subdivider must submit at the regular time specified by the office of planning and zoning before the regularly scheduled monthly meeting of the board of commissioners the following:

- 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. 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 administrative officer may be required. The scale of the plat must be at least 100 feet to the inch. 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 administrative officer.
 3. *Final plat review.* The administrative officer 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 board of commissioners.
 4. *Action of the administrative officer and the Monroe County Board of Commissioners.* No more than 45 days after the official date of submission of the final plat, the administrative officer 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 administrative officer. Action may be taken on the entire plat or any portion of it.
 5. *Failure of administrative officer and the board of commissioners to act.* If the administrative officer and the board of commissioners fail to act within 15 days after receiving an approval recommendation from the

administrative officer, the final plat will be automatically approved by the board of commissioners.

6. *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.;
 - ii. Zoning district classification(s) of land to be subdivided and adjoining properties; and
 - iii. 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 board of commissioners 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 board of commissioners; and
 - iv. A certificate of approval by the Monroe 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 and/or filed with the Monroe County Office of Planning and Zoning.
- 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 Monroe 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 does not constitute acceptance of any dedications to the public. After final plat approval by the board of commissioners, the subdivider must prepare appropriate documents and plans as constructed, if required, and request Monroe County and other appropriate authorities to accept dedicated streets, other public spaces, and utilities.

10.02.11 Landscape plans

- A. The landscape plan shall be included as a separate plan sheet along with other plan sheets for other site improvements when an application is made for a development permit.
- B. A landscape plan shall be submitted upon application for a development permit. The plan shall include sufficient information to determine whether the proposed landscape improvements are in conformity with this section, including the following:
 1. Identification of all trees, natural features and man-made structures that will be retained upon the site;
 2. A description of proposed landscaping improvements and plantings, including the species, size, quantity and location of trees, shrubs and other landscaping materials;

3. Identification of all proposed structures, vehicle use areas, sidewalks, wheel stops or curbs, walls and fences; and
4. A depiction of adjoining streets and parcels sufficient to identify the same and to demonstrate the relationship between the development and the same.

10.02.12 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 zoning administrator 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 zoning administrator shall provide written notice to the applicant. The zoning administrator 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 zoning administrator shall 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 zoning administrator 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 Monroe 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 Monroe 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 Monroe County Zoning Administrator 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.

10.03.00 APPEALS

10.03.01 Decisions of administrative officials

The final decisions of administrative officials may be appealed by filing a written notice of appeal with the administrative official within 30 days of the date of the decision. The administrative official shall compile the record and transmit it 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. Notice of the hearing shall be provided in the same manner as notices for variance hearings before the board. 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.

10.03.02 Decisions of the planning and zoning board

Appeals of final decisions of the planning and zoning board shall be to the Monroe County Board of Commissioners. A notice of appeal shall be filed with the zoning administrator within 30 days of the date of the decision appealed. The zoning administrator 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, 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 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.

10.03.03 Decisions of the board of commissioners

Final decisions of the board of commissioners shall be appealed in the manner provided by law.

10.04.00 VIOLATIONS, ENFORCEMENT AND PENALTIES

10.04.01 Jurisdiction

The jurisdiction for actions brought pursuant to this UDO shall be in the magistrate and superior courts of Monroe County.

10.04.02 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 any property for use that is not permissible in the applicable zoning district;
- C. 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;
- D. Construct or move any structure in violation of the applicable provisions of this UDO; or

- E. Violate any provision of this ordinance, or fail to remedy any violations upon notice.

10.04.03 Enforcement

- A. The zoning administrator 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 zoning administrator 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 zoning administrator.
- D. The zoning administrator or 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.

10.04.04 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.

10.04.05 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.